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Pennsylvania

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REPORT

OF THE

BOARD OF GAME COMMISSIONERS

OF

PENNSYLVANIA

TO THE

GOVERNOR

FOR

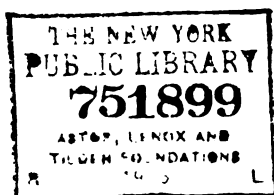
1905.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTERS.
1906.

REPORT
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OF
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REPORT

OF THE

GAME COMMISSION.

To His Excellency, Samuel W. Pennypacker, Governor of Pennsylvania:

Sir: In compliance with the Act of June 25th, 1895, creating the Board of Game Commissioners of this Commonwealth and prescribing its duties, we hereby respectfully submit to you our report of work done through and under our direction during the year intervening from November 1st, 1904, to November 1st, 1905; and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach herewith a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us and from personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds classed as wild-birds other than game birds, are increasing in the State, and that the benefit to the Commonwealth through this increase from an economic point of view is most marked. We feel that game birds of all kinds, excepting quail, are more numerous than for years past, and that game quadrupeds, such as deer, bear and rabbits are increasing in numbers, in that territory on which they were found last year and in many instances are found in sections whereon, prior to this time, they had apparently been exterminated, thereby supplying in this manner an incentive for exercise and recreation that can be furnished in no other way; an experience in camp life, in handling and caring for firearms that is of very great value to the men of all ages who indulge in it.

The peace and rest given the wild bird and game through the absence of forest fires during the past year has been a very great factor towards this increase of game and wild-birds and we feel that the work done by the Department of Forestry deserves special men-

tion at our hands. In our opinion many of the young wild-birds and animals are destroyed by spring forest fires, more than by many other causes combined. The food supply of such creatures is also entirely cut off upon the burned territory, resulting very frequently in the starvation of the individual one that may escape the flames.

We reiterate the assertion made in our last report that the presence of many unnaturalized foreign born residents within our borders and their disposition to handle guns, is a constant and exceedingly grave menace to our wild life in the State and to the peace of many communities wherein they are found. We believe that the passage of an act prohibiting these people from carrying fire arms in any public place at any time would have a most beneficial effect.

We feel that the law recently signed by your Excellency, authorizing the appointment of Special Deputy Game Protectors is of very great value to the cause that this Board represents in this State. We have had numbers of applications for appointment to positions of this kind from men of the highest character in the State and to-day have more than seventy officers looking after the interests of game and wild-bird protection under the provisions of this bill. Besides these men we have fifty-five regular deputies and eight game protectors, all of whom are duly sworn and under bond as required by the act authorizing their appointment. Each one in his place seems to be acting with discretion, considering the rights of the people and refraining in all instances from prosecutions that might appear to be persecutions. We have had occasion during the past years to recall commissions issued to four men, who appeared to have wilfully exceeded the authority given them by law and the instructions from our office.

The appropriation of \$20,000 as signed by your Excellency has placed this Board in position to demonstrate to a much better advantage its usefulness throughout the State and its value to all the people of the State, not alone through the protection it can give to game, but through the preservation of wild-bird life with all that means either economic or asthetic.

The appropriation of \$6,000 for the purchase and propagation of game seems to be a step in the right direction, and while it was not asked for by the Game Commission, is most acceptable to us and will be expended in such manner as will in our opinion mean the most good to the State and that will demonstrate the possibility of future appropriations for this purpose.

The protection accorded to our agricultural sections during what is known as the closed season, from gunners of all classes and the protection to sheep, cattle, horses and the farmers in the prevention of the running of dogs, are of undoubted value to the State.

We feel that the many benefits that can be attained through the game laws now on the statute books, entitle those engaged in the enforcement of these laws to the support and hearty co-operation of every good citizen within the Commonwealth. We refrain at this time from attempting recommendations of any kind. We thank Your Excellency for the kindly manner in which you treated bills during the last Legislature pertaining to game and wild-bird protection and to the interest of this Commission.

We call your special attention to the findings of the Auditor as attached to the report of our Secretary, showing the receipts and disbursements of money up to this date. This is the first private audit of our accounts and, as shown by the auditor, places everything in as good shape as we could desire. This is in addition to the audit of the accounts by the Auditor General. We do not know that this is customary in all instances, but we felt that we would like to have our accounts balanced by some outsider and have, therefore, had that done, as the books of any business enterprise would be done.

Respectfully,

W. M. KENNEDY,

President.

J. H. WORDEN,

C. K. SOBER,

CHARLES B. PENROSE,

W. HEYWARD MYERS,

FRANK G. HARRIS,

Board of Game Commissioners.

REPORT OF SECRETARY.

Harrisburg, Pa., October 31, 1905.

To the Honorable, the Members of the Game Commission:

Gentlemen: I herewith submit to you my report of work done personally and through my directions during the time intervening between November, 1904, and November, 1905. This work includes only the work done by Game Protectors, Deputy Game Protectors and Special Deputy Game Protectors connected with this Commission.

In my report of last November I stated that in my estimation game of all kinds in this State, excepting quail, was increasing and

that wild-birds other than game birds were also rapidly increasing. I now take pleasure in stating that this opinion is confirmed by the reports received from the several officers connected with this Commission.

Early in September I sent out a circular letter to these men, asking that they especially make report upon the conditions of game and wild-birds in their section. These reports for September covered every county in the State, indicating that deer, bear, pheasants and wild-turkeys have perceptibly increased in that territory, wherein they were found during the last year, and that in many cases game of one or more of these varieties are found upon territories, where even a year ago nothing appeared to exist. Squirrels are reported to be scarce over the entire State. These reports assert that the number of quail throughout the State has been sadly reduced, but that more or less are found in each county, and that protection during the open season and care during the closed season should give us enough to replenish our depleted covers next year. The care necessary to accomplish this end is not simply protection from illegal hunters, but protection from the elements, from starvation, from hawks, foxes, weasels, and other enemies, especially the house-cat. This, it seems to me, can be secured only through the systematic and general trapping of quail in the State after the close of the open season. Their preservation in coops during the winter and separation into pairs before releasing them in the spring, as suggested in my circular letter of January 3rd, 1905, entitled "Save Our Birds," a copy of which I herewith attach and desire to make a part of this report.

I am sorry to be compelled to repeat that the slaughter of all game and the killing of our wild-birds by unnaturalized foreign born residents is still carried on to a very great extent, notwithstanding the vigilance of our officers, and the very heavy penalties imposed upon some of these people. Exactly what means to resort to to attain the desired end or even to secure the best results, I am at a loss to understand. It seems to me that the only remedy would be to secure the passage of a law forbidding the possession of a gun of any description by any individual not a citizen of the United States. I understand that the State of New York has a statute of this kind, the same reading: "No person not a citizen of the United States shall have or carry any fire-arms or dangerous weapons in any public place at any time." I took occasion to write the Commissioner of Forestry, Fish and Game of New York State, relative to the legal status of this provision, its constitutionality, whether the matter had been tested by the New York courts, &c., and am in receipt of this, his reply, to the effect that the law has not at this time been tested

in the courts. He says, "It does not seem at all doubtful to us that the State can exercise its police powers to stop dangerous practices and the law was framed by a well known lawyer, who was a member of the Legislature," &c.

It would seem that the number of unnaturalized foreign born residents who have secured a license to hunt under our laws, as it now stands, is limited indeed. Perhaps the entire number in the State can be counted upon the fingers of one hand. So that the question of any possible income from this source to the Game Commission is not to be considered. The question of penalties would still remain as it is, and under a law such as exists in New York State, there seems to be no possibility of escape. Thus our revenues from penalties would be very largely increased, or a number of these people would be compelled to take out their naturalization papers and become citizens of the United States. I would, therefore, recommend that the Game Commission of this State ask the next Legislature to enact a similar prohibition in Pennsylvania. The trouble we are compelled to meet in enforcing the present law relative to the unnaturalized foreign born resident can only be known to the one actually connected, as I am, with prosecutions over the entire State. In some counties this element or its influence appears to predominate. We are beaten, no matter what evidence we may produce. In others, legal and technical questions are raised to defeat our ends. In some, pedagogy lawyers argue and sometimes successfully too, that our work means no good to the State and that the prosecution in question is brought simply to make money for the officer as an individual. If the unnaturalized foreign born resident was forbidden to have a gun in possession, many of these difficulties would be overcome. Much of our game and very many of our wild-birds would be saved, besides the expense that I cannot express in words or figures, that through the use of fire-arms of one sort or another by these people, is fixed upon every county in the State. The carrying of fire-arms by this class of people seems to be a question not of game and wild-bird protection alone.

The new game law seems to be generally acceptable to the public. Individuals here and there raise objections to this or that requirement, most of these questions being immaterial. Some question is raised concerning the value of that provision of the law concerning the killing of wild water fowl, which prohibits shooting from January first to April first, then creating an open season for two weeks. If the ground for stopping spring shooting of this kind of game, chief of which was that the birds were mating and at this time move to their breeding grounds, is correct, it seems to me the opening of a season of any length during April is absolutely wrong, and to the

extent of that open season nullifies the purpose of those who drafted this bill. Ordinarily we have no shooting during January and February. The law then, as it now stands, has little or no effect during these months. When the winter breaks and the ice goes out late in February or March, ducks, the larger varieties, such as mallards and black ducks (dusky mallards) appear. They are not mating at that time, nor are they moving toward their summer home. They appear to have been simply blown inland by storms and are coming and going without any fixed purpose. Sometimes, unless driven out by gunners they stay in one neighborhood for weeks at a time. It seems to me, therefore, if there must be any spring shooting at all, it should be during March and not during April, and that an open season in April simply defeats the intended purpose of the new provisions.

I have reports sent me between January first and April first, 1905, of the running of thirty-five deer by dogs. Seventeen of these deer were killed by said dogs. Since the signing of the new game law, with its strenuous provisions regarding dogs, I have had reported the running of but four deer by dogs, none of which were killed. I have had reported to me by officers of this Commission since the twenty-second day of April, last, the date of the approval of the new game law, the killing of something like 100 deer running dogs, all of which were either caught in the act of following upon the track of deer, or killed upon information based upon affidavits that these dogs had some time within one year from the date of such affidavit run or pursued deer. I have also received word of the killing of more than 200 additional dogs by outsiders. Each one of these animals being habitual runners of deer or small game. Some of them run almost continually, day and night, except during that time needed for rest and feeding. Some few of these dogs may have been of value. The majority of them are worthless, many of them without owners or home, compelled to get a living through the chase, and a constant menace to game. I am frequently told that no dogs are now heard running game, deer as well as small game, where prior to last April they could be heard at all times, and it seems to me that very much of this is due to the enactment of this new provision. If the same proportion of house-cats could be killed the benefit to wild birds would be most notable. The effect of the new law on the use of bird dogs hunting deer remains to be tested. I am of the opinion that many hunters will prefer to leave their bird dogs at home during the two weeks of the open season for deer, in preference to getting into trouble over the possibility of the pursuit of deer, (for the distance of 100 yards) by such dog.

I take pleasure in reporting that the interest of the people of the State, hunters, non-hunters, ladies as well as gentlemen, in game and

wild-bird protection is rapidly increasing and is most noticeable; that many clubs have been organized for this purpose during the last year. Quite a number of prominent gentlemen in the communities where they reside have petitioned for the appointment of Special Deputy Game Protectors, simply that they may be placed in position to use the power given them, when occasion requires.

We have at this time 9 regular Game Protectors, 55 Deputy Game Protectors, and 56 Special Deputy Game Protectors, several of the latter being appointed in the different parts of the State upon the recommendation of Game Protective organizations, who have vouched for their fitness and integrity. All of these men have taken the oath required by the law authorizing their appointment. I believe each individual of this force, without exception, to be honest and energetic in his work, earnestly laboring for the good of game and wild-bird protection, and that through their efforts we will, during the coming year, be able to show a very decided improvement of our work.

From reports of our officers and personal contact with many individuals in different parts of the State, I am convinced that the laws for game and wild-bird protection are popular, and that the Game Commission, not only has the sympathy and good will of the great majority of our people, but that very many of them are taking an active interest in the work. We have had some trouble with county officials, who have refused to pay to our officers certain fees specified in the law. This is done under the claim that the act authorizing such payment is unconstitutional, or for some like reason, and has caused more than one officer to hesitate in his work. These questions, as they arise, should be pushed to a conclusion in the courts, and the exact rights of our officers be clearly established. I take pleasure in saying that I do not know of one single instance of an officer connected with this Commission, either leading an innocent person into temptation for the purpose of collecting penalties, or making a prosecution for any reason, excepting for wilful and deliberate violation of the game law by the defendant in question.

We have issued thirteen certificates to take birds for scientific study since the approval of the new game law of April 22nd, 1905. All of these gentlemen are of the best character, as established by papers filed with their applications. We have received numerous communications relative to hunting on Sunday from various parts of the State, not because there was more of this thing being done than heretofore, but because of the increased interest in game and wild bird protection by the people. Investigations upon our part show that in some sections of the State hunting on Sunday is quite common, and seems to be the popular idea. We are doing our very

best to bring this practice to an end, and give to our game the one day's rest out of seven of the otherwise open season. The great majority of the violations of this class appears to belong to the foreign elements, who, not being able to follow their ordinary vocations upon Sunday, very often put in their time in violating the game law, much to our annoyance and frequently to their extreme expense. The penalty for hunting on Sunday by anyone is \$25. The penalty imposed by law upon the unnaturalized foreign born resident for hunting without a license is \$25, so that when these people hunt without a license and on Sunday the penalty, as fixed by law, is \$50 with costs. The penalty for killing any one of the birds designated as game birds by law, renders the person violating that provision liable to \$25 and costs. While the killing of any one of the wild birds other than game birds renders him liable to \$10 and costs. So that an arrest of one of these people for violating the game laws seldom results in a penalty of less than \$60 or \$70 with costs, some times very much more than this amount. One Italian named Peppi, notwithstanding the fact that he was naturalized, being compelled to pay \$420 in penalties with additional costs for his summer's work in violating the game near Safe Harbor, Lancaster county. Severe as this penalty was, its effect seems to have been limited and men of this type in camps not more than ten miles away are still reported as doing the same thing. Two men in the same camp hunting out of season and killing birds, because the aforesaid Peppi did it, were arrested and compelled to pay, one \$60 and costs and the other \$70 and costs. These men appeared to be wholly ignorant of the law and simply followed the example set by Peppi. I frequently come upon occurrences of this kind and I think the Commission should strive to have printed and posted in all of the camps of foreigners in this State notices in their respective languages, calling attention to the laws and their liability for their violation. While it is the law and is our only method of correcting existing evils, it seems to me extremely hard to compel these poor people to part in this way with their hard earned dollars.

I have hesitated to have these notices published without your direct orders, because of the excessive costs of their publication. One printer in Wilkes-Barre, who has been doing work for the State, and to whom I was recommended as a translator, demanded \$200 for 500 posters on cloth, printed in Italian or Slavish, each poster containing not more than 400 words. The exact cost of such a form should not exceed 10 cents at the outside. A careful estimate by men engaged in the printing business shows that it should not exceed 5 cents. I await your direction in this matter.

I herewith attach a copy of the balance sheet, showing the finan-

cial standing of the Commission at this time, the same being the finding of the auditor directed by this board.

You will notice the income to the Commission through the warden service each year during the time covered by this statement and that this amount during the last year, as returned direct to this office by our officers, was close to \$2,500. This amount is about one-half of that actually recovered, as, prior to April 22nd, 1905, one-half of all the penalties recovered went to the officers direct, while the other half was returned to the County Treasurer, who, after deducting five per cent. for his service forwarded the balance to the State Treasury for our use. Under the present law our representatives are paid the full amount recovered by the Justice and he in turn forwards the same to this office, thus saving the percentage heretofore paid out for nothing.

I wish to report that owing to the manner of printing and delivery of the pamphlet containing the game, fish and forestry laws, (the delivery to this office of the entire allotment, 8,000 copies), while but a limited number, was delivered to the House, the Senate and to the other Departments mentioned in the resolution directing its publication, the deficiency still being unprinted, the demand upon this office was enormous and rapidly consumed the books at our disposal. I attempted to have the number increased through the Auditor General, and was told that they could not be increased by a single copy, nor could they pay for one single copy above the number set apart to our use. I, therefore, after consultation with Mr. Worden, of the Commission, order 6,000 copies additional and will be compelled to pay for same out of funds of the Commission at the rate of \$50 per thousand. To meet this outlay I am sending a circular letter to all applicants stating the facts as they exist, and that I will be compelled to ask 10 cents per copy for this book. I have but little doubt that the entire number will be disposed of during the next year. At the figure stated the book costs us 5 cents, the postage will cost 4 cents per copy, so that we are ahead 1 cent where the actual money is paid in the first instance. Where we will be compelled to send out our circular letter we will fall behind one cent through this transaction. Still I think this is about the best we could do under the circumstances.

Communications by mail to this office during the past year have very largely increased. Many of the complaints that come to us in this way prove, upon investigation, to be without foundation in fact. Many that are correct in every way are so covered by the parties committing the offense, or by those knowing the facts, as to block us absolutely in our work of attempted convictions. Still the effect is good, for these parties sooner or later understand that we are after

them and hesitate to renew the offense. I, therefore, am satisfied that the financial return as shown by our balance sheet does not by any means cover the entire benefit secured through the work of our officers. Some of these men seem to be exceedingly energetic, covering very great territory, but still fall short in the recovery of penalties.

I will not attempt to state specifically the causes for which we have brought suits, nor the number of persons prosecuted for violations of the game law during the past year; but call attention to the amount of penalties secured as a proof of what has been done. I would also state that in many cases, where convictions were secured the defendant served one day for each dollar of penalty unpaid in preference to the payment of said penalty in cash. We have lost some cases for various reasons, sometimes without just cause and most aggravating, but have ordinarily been successful. I feel that even when we have failed to secure a conviction, the lesson taught is well worth the outlay. We have already lost two cases brought for the use of naphtha lunches in pursuing wild water fowl, the use of which is forbidden by the new law. The witnesses in both cases failed to sustain statements made to the officers prior to the arrest.

At our disposal is a special appropriation of \$6,000, given to the Commission for the purpose of propagation and purchase of certain game. In the matter of game I feel we can purchase to much better advantage from overstocked private preserves in the State, than we can by propagation, and would recommend that this method be adopted. I understand that a limited number of quail for propagating purposes only can be purchased in several of the States in the south and west. I have determined with the permission and order of this Commission to trap certain wild-turkeys, in the spring releasing same in territory well adapted to their prosperity and where a few years ago this game was found in considerable numbers, but where at this time, because of the lack of adequate protection it has become extinct. Some of the male birds thus secured I desire to retain in captivity with certain females of a species found near Hopewell in Bedford county. The birds of this species at this time appear to be about one-half wild and are reported to be capable of foraging for themselves even during the severe winter weather, and I believe, with the addition of the wild blood thus introduced will make typical wild turkeys, able to care for themselves anywhere at any time. Birds of this kind can be reared in captivity with as much certainty of success as can the ordinary tame turkey and can be released in places adapted to them in every way. Some of this work, I know, is purely experimental and we may fall

short of success, but I feel that without a beginning there can be no finish, and I would therefore recommend that a committee of such number as you may deem best, be appointed by this Commission at this time to look after these interests and direct the disbursement of this money.

We have not had one single officer shot, or shot at, during the present year, as against five shot at and three actually shot during the year ending November 1st, 1904. Even while I write though I am informed that one of our officers, Frank Rowe, of Wilkes-Barre, in attempting to make an arrest last week was compelled to defend himself, which he did with his fists, his opponent dying the afternoon of the day on which the fight took place. What the result of this trouble may be remains to be demonstrated.

We have already expended one quarterly allowance of our appropriation, \$2,500, and in addition the income derived from penalties and license fees, which amount is shown in the statement hereto attached. This fund derived as before stated from fines, penalties, &c., has enabled us to reach this point in our work without drawing upon the appropriation at the beginning of the present quarter, September first. This leaves a balance of \$7,500 to be expended during the balance of this fiscal year and \$10,000 for the next fiscal year.

I desire to say that the item in each year's statement under the heading of warden service includes not only the money paid out by this office in the form of salaries and expenses, but also the one-half of the penalties returned by us to the Deputy or Special Deputy, to which amount he is entitled under the law, this being the only pay he receives for services rendered, unless specially engaged by this office. Our liabilities for warden services during the month of September amounted to \$695.01, and we approximate that amount for the month of October. During the month of November we may have this amount increased by several hundred dollars, owing to the time of the year and the special duties that we may have to perform. You, of course, understand that our expenditures are not fixed by any set rule, and while we have been able to do this during the past quarter of this fiscal year, the next quarter may consume any surplus we may have on hand.

There still remains unpaid the \$200 retainer of E. E. Beidleman, attorney, as fixed by our Commission in July last, and \$375.00 unpaid balance to Dr. Joseph Kalbfus, Secretary of this Commission.

It seems to me that the benefit to the service in general and especially to the office through the addition of the stenographer authorized at your last meeting, must in the near future, if it is not at present, be evident to everyone of this Commission. When

I consider the matter myself I cannot clearly see how I, as an individual, could have accomplished more than was accomplished. The only wonder to me is that we met the demands made upon us as we did, and that our accounts are not more tangled than they have turned out to be under the hands of the auditor. I desire to thank you personally for the help given me in this way and am satisfied that the return in improvement of the service will much more than make return for the outlay.

All of which I respectfully submit.

JOSEPH KALBFUS,
Secretary of the Game Commission.

AUDITOR'S REPORT

TO

BOARD OF GAME COMMISSIONERS

OF

PENNSYLVANIA.

From January 1, 1899, to November 1, 1905.

Harrisburg, Pa., Nov. 1st, 1905.

To the Board of Game Commissioners of Pennsylvania:

Gentlemen: Having been requested to audit the accounts of the Secretary of your Commission, I herewith submit the following as my report:

RECEIPTS.

Sept. 13, 1898, to cash turned over
by Dr. B. H. Warren, \$200 00

To warrants on appropriations as
follows,

June 1, 1898 to June 1, 1901,.....	\$800 00
June 1, 1901 to June 1, 1903.....	3,000 00
June 1, 1903 to June 1, 1905,.....	12,000 00

\$15,800 00

July 7, 1905, 1st quarter's warrant
on present appropriation, 2,500 00

18,300 00

Penalties Collected Through Office.

For year commencing Jan. 1, 1899		
and 1900,	\$1,084	96
For year commencing Jan. 1, 1901,	916	09
For year commencing Jan. 1, 1902,	1,099	92
For year commencing Jan. 1, 1903,	655	63
For year commencing Jan. 1, 1904,	1,531	48
For year 1905 to June 1st,	403	02
	<hr/>	
	\$5,691	10
From June 1, 1905 to Nov. 1, 1905, ..	1,685	13
	<hr/>	
		7,376 23

Penalties From State Treasurer.

For year commencing Jan. 1, 1902,	\$917	87
For year commencing Jan. 1, 1903,	470	70
For year commencing Jan. 1, 1904,	2,944	91
	<hr/>	
	\$4,333	48
From June 1, 1905 to Nov. 1, 1905,	920	85
	<hr/>	
		5,254 33

Certificates.

For year commencing Jan. 1, 1902,	\$40	00
For year commencing Jan. 1, 1903,	35	00
For year commencing Jan. 1, 1904,	10	00
From Jan. 1, 1905 to June 1, 1905,	30	00
From June 1, 1905 to Nov. 1, 1905,	35	00
	<hr/>	
		150 00

Non Resident Licenses.

For year commencing Jan. 1, 1902,	\$10	00	
For year commencing Jan. 1, 1904,	850	95	
From June 1, 1905 to Nov. 1, 1905,	30	00	
	<hr/>		890 95
Advanced May 31, 1905 by Dr. Kalbfus to cover shortage in bank account,		86	29
June 1, 1905 to Nov. 1, 1905 sale of Game Laws issued by Department,		10	00
Oct. 30, 1905, private contribution for special work,		24	00
Total receipts,	<hr/>	\$32,291	80

EXPENDITURES.

For Office Expenses, including postage, printing, typewriting, subscriptions to periodicals, janitor's services, and sundry expenses:

For year commencing Jan. 1, 1899,	\$366 50	
For year commencing Jan. 1, 1900,	556 73	
For year commencing Jan. 1, 1901,	521 60	
For year commencing Jan. 1, 1902,	58 20	
For year commencing Jan. 1, 1903,	259 20	
For year commencing Jan. 1, 1904,	154 73	
For year 1905 to June 1st,	59 91	
	<hr/>	
	\$1,946 47	
From June 1, 1905 to Nov. 1, 1905,	379 09	
	<hr/>	\$2,325 56

For Warden's Services.

For year commencing Jan. 1, 1899,	\$17 11	
For year commencing Jan. 1, 1900,	497 82	
For year commencing Jan. 1, 1901,	1,262 50	
For year commencing Jan. 1, 1902,	2,685 88	
For year commencing Jan. 1, 1903,	4,463 76	
For year commencing Jan. 1, 1904,	9,611 63	
For year 1905 to June 1st,	4,518 52	
	<hr/>	
	\$23,057 22	
From June 1, 1905 to Nov. 1, 1905,	3,911 96	
	<hr/>	26,969 18

For Attorneys' Fees.

For year commencing Jan. 1, 1900,	\$125 00	
For year commencing Jan. 1, 1902,	400 00	
For year commencing Jan. 1, 1903,	480 00	
For year commencing Jan. 1, 1904,	314 40	
For year 1905 to June 1st,	406 82	
	<hr/>	
	\$1,726 22	
From June 1, 1905 to Nov. 1, 1905,	328 08	
	<hr/>	2,054 30

Commissioners' Expenses.

For year commencing Jan. 1, 1900,	\$48 04
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For year commencing Jan. 1, 1901,	45 00	
For year commencing Jan. 1, 1905,	29 70	
		<hr/>
		122 74

Stenographer's Services.

From June 1, 1905 to Nov. 1, 1905,	225 00	
July 1, 1905, refunded Dr. Kalbfus money advanced by him on May 31, 1905,	86 29	
Total expenditures,		<hr/>
		\$31,783 07
Balance in hands of Secretary, Nov. 1, 1905,		\$508 73

Your Secretary, Dr. Jos. Kalbfus, has had his bank book balanced and I find his balance in bank agrees with the balance as it appears in his cash book and as set forth above.

It will be noticed in the above statement that the receipts and expenditures have been brought down to June 1st, 1905, and the transactions which have occurred since that date are added on separately. I have done this because I find that your fiscal year begins at that time and that you might consider it wise to close your accounts each year on May 31st.

If you take the difference between the receipts and the expenditures as they appear above on May 31st, 1905, you will find the cash balance at that time to have been \$34.17. It was impossible for me to balance your books at that point as the entries are continuous. I should have shown each year's transactions as closing on this date, but owing to the very limited time at my command this was practically impossible. I should, however, recommend that you adopt some form of voucher-check, similar to the one I herewith attach, to be used for all payments. The classifications may be varied somewhat to suit your convenience, but its advantages can readily be noted. This will not only simplify your method of book-keeping but will enable you to make a satisfactory audit of your accounts at any time.

Respectfully submitted,
 ANSON S. DEVOUT,
 Auditor.

SAVE OUR BIRDS.

**Methods whereby Game and other Wild Birds can best
be Protected and Cared for.**

Recommendations as to the Trapping and Care of Quail.

**Use of Poison for the Extermination
of Vermin and Crows.**

**JOSEPH KALBFUS,
Secretary of Game Commission.**

Commonwealth of Pennsylvania,
Office of the Board of Game Commissioners,
Harrisburg, Pa., January 3, 1905.

Dear Sir: By act of Assembly, it is made the duty of the Board of Game Commissioners to protect the game and wild birds of this State. I take it this duty extends beyond matters specifically mentioned in this statute; that the purpose of the law is to save the game and wild birds from extinction, and that it is as much my bounden duty to protect the game and wild birds from destruction through the agency of four footed animals, predatory birds, or the elements, as it is to say these same things shall not be taken by man, except under the letter of the law. I cannot believe that the Game Law is intended for a purpose other than benefit to all the people of this State, or that it is my duty to arrest a poor man who may kill game out of season, when he needs the same for food, and then stand with folded arms and see game of like kind destroyed by storms, vermin, or wild animals, big or little.

With the idea, then, that it is my duty to give all the protection in my power to the game and wild birds of the State, I desire to make some suggestions.

I will not attempt in this letter, except in a limited way, to touch upon the value of the life work of the birds. I do want it understood, that as the illustration I may use shows the value of the bird named, so each family of our birds has its specialty, each doing a particular work that no other family attempts to do, except to a limited extent.

Professor Surface, Economic Zoologist of this State, tells me the annual loss to Agriculture, in the United States, aggregates scores of millions of dollars from the ravages of plant lice alone. That if the natural increase of plant lice was not curbed in some way, this world would not be inhabitable by man, at the end of ten years.

One of the great protectors of plant lice is our common ant, which carries the egg of the plant louse below the frost line in winter, carries the young louse out and places it on the plant in the spring, getting therefrom, in return, what is known as honey dew, each ant protecting and caring for vast numbers of lice, just as the farmer cares for and protects his cattle for the return they give.

One of the great destroyers of ants is our common flicker or yellow hammer. This bird is the most terrestrial of all wood peckers, and takes fully seventy-five per cent. of his food on the ground. The examination of many of the stomachs of these birds has proven conclusively that more than one-half of the food of this bird, the

year round, is made up of ants, and demonstrated the capacity of a single flicker to consume nine thousand ants at one meal.

No game bird seems to have a firmer hold upon the public mind than the common quail, or "Bob White," and a study of this bird, undertaken by the Biological Survey at Washington, demonstrates, by almost limitless examination and experiment, that the economic value of the quail is equaled by but few birds, and exceeded by none. His food supply is more varied than that of most birds, and is almost without exception drawn from a source through which nothing but good to man can result. He consumes many things, such as potato bugs, chinch bugs, the cotton boll weevil, certain caterpillars, spiders and other insects, that most birds avoid, and that, when taken at all by such other birds, are eaten to a limited extent only. Professor Surface says, in his Bulletin of January, 1904: "No birds on the farm are more valuable as seed eaters and insect destroyers than the common quail."

In addition to the value of the life work of all game birds is the value that cannot be expressed in words or figures, of a day afield with gun and dog, and I know there is no sportsman who will not appreciate what I mean, when this is said. There is a benefit derived, that no one who fails to indulge in this sport can realize, a benefit that is not drawn through the killing of the birds only, and that comes to no two men exactly alike. The working of a dog speaks in different language to different men. From the moment the trail is struck until a dead bird, held only by the tip of a wing, is brought and laid at one's feet, all else, business cares and engagements, sorrows and joys outside, are alike forgotten, in the work of that dog.

Six times to my certain knowledge, since I first began to take a special interest in this work, quail, because of severe winters and the slaughter of market hunters, had become almost extinct in Pennsylvania. Six times the sportsmen of this State, as an organization, with a limited number of outsiders, went down into their pockets and furnished the cash where with to buy quail in other States and bring them into this State. This same thing has been done every year, to a more or less degree, and I feel perfectly safe in saying, that were it not for this importation of quail there would not be one single covey in this State to-day. The killing of these birds for the market has to a great extent been stopped. So likewise have the avenues through which live birds can be secured from the outside. Four years ago quail for propagating purposes could be secured without limit from almost every State of the south and west; to-day I can count such States upon the fingers of one hand, the supply being limited from these and the price three and even five times what it was four years ago. We are forced into the

position where we must protect and save our own birds, if we hope to have any in the years to come. Aside from statutory enactment every citizen and lover of the quail has his work to do, and I therefore beg each individual, I beg the farmer, who derives more benefit from life work of all kinds of birds than any other class, I beg the sportsman with his limited benefit, of a day afield, every boy and girl who takes pleasure in our birds, every professed Christian of this State, to "not pass by upon the other side." The winter, in its most terrible form, is indeed at hand for our birds. Don't let them die. I assure you, in protecting them, you are only benefiting yourself.

The law at this time permits the trapping of quail from the first day of January to the first day of April next following, for the purpose of keeping them alive during the winter, and any method through which this can be accomplished without injury to the bird may be used. They may be led into traps or nets by lines of buckwheat or screenings, and after capture may be easily kept in cages or coops of proper dimensions. A good plan is to secure a fair sized room, say 14x14; be sure all openings whereby rats or weasels can enter are closed; cover the window with woven wire and leave it so that plenty of fresh air will be given; place a pile of brush, preferably evergreen, in one corner, into which the birds can retreat; see to it that they are fed and watered daily. By this method many more birds will be saved than in any other way, as they will not be exposed to storms and to the attacks of their natural enemies. If a room cannot be secured, hang up bundles of unthreshed grain, wheat, rye, buckwheat, millet, or anything that will supply the need, or, better still, build covers under which they can feed, choosing warm, protected corners along fences for this purpose. A good way is to drive two stakes, say ten feet apart, and ten feet from the fence lay a rail on the stakes, and rails from the fence to this rail cover with brush or corn stalks. Be sure to leave all sides open, so that the birds, attacked by an enemy, such as a weasel, or house cat, can readily make their escape. Build the cover about three feet high, so that while there will be plenty of light and air, it will be almost impossible for a hawk to strike the birds while feeding, which will be done if the cover is too high; scatter feed both threshed and unthreshed under this cover, see to it that your efforts are not undone by hawks, or house cats, or other predatory creatures. Two or three covers of this kind will serve a good purpose on any farm, and be followed by a full return of money and labor expended, through the work of the birds.

Experience teaches: That the idea of giving absolute protection to quail for a series of years, or to certain coveys on a farm, is not followed by the best results, because frequently two or three or

more hen birds will lay in the same nest, the cock birds fight over them, and no hatching be the result. I therefore recommend the trapping of the birds in every instance where it is possible, not only for the purpose of keeping them alive during the winter, but also for the purpose of separating a covey to increase the chances of propagation. Where the birds are trapped they can well be allowed to run together during the great part of the winter. Two or three weeks before they are to be liberated, divide them into pairs, placing a male and female in a separate box or cage, feed and keep together. The probability is that the birds will mate, in captivity, or at least become so well acquainted that they will mate after their release. This will result in a covey for each pair of birds. By taking the cage or box in which the birds are confined, during the night time, to the place where one hopes to see the birds propagate, taking off the cover or slats, sprinkling food around, and going away quietly, the birds, when daylight comes, will be induced to come out without fright, will feed, move around, feed again, and remain in that locality, without flying to places where they cannot be looked after, or protected. A little judicious handling and feeding will in all probability keep them there until the young are hatched, and frequently cause them to make that place their permanent home. If the covey you have trapped is released in pairs, on different days, on different parts of the farm, the probability is that they will not call together, but instead, will at once make preparations for housekeeping, with the result that several coveys will be found where you now have but one.

It is a well-known fact that the male bird generally leads in the flight. I would suggest, therefore, as a means of keeping a pair of quail in a certain locality, that about two days before releasing the birds you pluck five of the large feathers from the tip of one wing of the male bird; this, while not taking from the bird absolutely the power of flight, will cause it to fly in circles and prevent lengthy flights. The feathers will be renewed in about six weeks; in the meantime the birds will become fixed in the locality, and in all probability have housekeeping started.

Sportsmen and others interested in the preservation of the wild turkey should see to it that food of sufficient quality and in sufficient quantity be procured and placed during the winter months where it can be secured readily by these birds. We have in this State a law, just and proper, that forbids the placing of poison for the purpose of intentionally killing domestic animals or dogs. The penalty for violation of this act includes imprisonment, as well as a cash penalty. There is still another law that forbids the placing of poison outside of buildings for the purpose of killing wild animals or birds. Still, the Game Commission, through its duly authorized agents, has the

right under the law to destroy vermin and predatory wild animals and birds harmful to game and other wild birds in such way as to them may seem best.

Experience teaches us that it is next to impossible to reach many of the wild predatory creatures of our State except through the use of poison. I take it the purpose of placing poison may well be judged from the point where it is deposited or the vehicle used to convey it, and, therefore, in attempting to select methods of conveyance for this remedy, have tried to decide upon certain things not likely to be taken by domestic animals of any kind or by a dog. I found that by introducing as much strychnine as will be taken up by an ordinary musket cap into the body of an English sparrow, a mouse, a piece of fish or eel, and dropping same into a stone wall or stone pile, hollow log, or stump along the line of travel of vermin, many animals such as the skunk, the weasel, the mink, and the house cat will be stopped in its predatory career, and such action will add tenfold to the safety of the quail, the wild turkey, the pheasant or any other ground nesting or ground feeding birds. The dead body of a rabbit or a chicken or sparrow or mouse, treated in this way, tied to the end of a stick, say two feet in length, placed in the hollow of a tree near the ground, bait end up, will serve a splendid purpose. Poison may be used in perfect safety in the above mentioned ways, the dogs not being able to get at it, even if so disposed, while smaller animals will be able to reach it easily.

One gentleman recently told me of three weasels he killed in this way with one bait, the bait in this instance being the body of a rabbit killed by a weasel. A dog is not likely to eat any of the aforementioned bait, even if he should find it in the woods. If placed as directed it will be out of reach, even should he pass that way. When the warm rains begin, bait of this kind will quickly be decomposed and rendered harmless, even should it not be taken by vermin. Many a predatory animal and bird will be called down in this way without the aid of a bounty law, or the expense attached thereto.

The good done by the crow through the destruction of mice or insects does not appear to weigh in the balance against the wrong done by these same birds. The rapid disappearance of prairie chicken in Indiana, Illinois and other prairie States of the west is directly attributed to the crow, that from morning to night, month in and month out, preys upon the nests and young of these birds, and has been known in very many instances to attack and kill nearly full grown prairie chickens.

Dr. Warren tells me of a spot in Pennsylvania known to himself where the crow, during the laying and nesting time of the wild waterfowl, especially the mud hen, is covered to the depth of many inches by the shells of the eggs of these birds, all of which were

stolen by crows, that, in scores and hundreds, sweep over the marshes in that locality, devouring every egg and destroying every young bird they can find. We all know how the robin and very many other of our small birds, during their nesting time, are driven almost to the window sills of our home by the voracious crow, which, to my mind, seem to destroy individually more birds of all kinds, more birds' eggs and more young poultry than any hawk that ever flapped a wing. A little corn boiled until swollen and soft, with the addition of a little strychnine, will cure the crow of many bad habits.

Remember, the law prohibits the placing of poison by the general public.

Remember, in using strychnine, that it is a deadly poison, and should in all ways be most carefully handled and cared for.

I feel that nothing but good can come to the State by the following of any of the suggestions herein made.

Respectfully yours,

JOSEPH KALBFUS,
Secretary of the Game Commission.



ANNUAL REPORT

OF THE

GAME COMMISSIONERS

OF THE

State of Pennsylvania,

ALSO A REPORT OF THE

CHIEF GAME PROTECTOR

TO THE COMMISSION

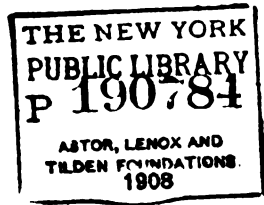
FOR

THE YEAR 1906.

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1907.

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REPORT

OF THE

Game Commissioners.

To His Excellency, Samuel W. Pennypacker, Governor of Pennsylvania:

Sir: In compliance with the act of June 25, 1895, creating the Board of Game Commissioners of this Commonwealth, and prescribing its duties, we hereby respectfully submit to you our report of work done through and under our direction during the year intervening between November 1, 1905, and November 1, 1906. That you may more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us we feel satisfied that song and insectivorous birds of all kinds classed as wildbirds other than game birds are in increasing in this State, and that the benefits to the Commonwealth from this increase, from an economic point of view is most marked. We feel that game birds of all kinds, excepting quail and woodcock, are more numerous than for years passed, and that game quadrupeds, such as deer, bear, rabbits and squirrels are increasing in numbers in that territory in which they were found last year, and in many instances are found at this time in sections whereon, prior to this date, they had apparently been exterminated—thereby supplying in this manner an incentive for exercise and recreation, that can be furnished in no other manner; and an experience in camp life, in handling and caring for fire arms, that is of very great value to all men who indulge in it; and a food supply that in the aggregate will reach many many tons in weight.

We re-iterate the assertion repeatedly made that the presence of many unnaturalized foreign born residents within our borders, and their disposition to use guns, legally and illegally, is a constant and exceedingly grave menace to our wild life in the State and to the

peace of many communities wherein these people are found. From what we can learn of this class we believe the great majority of them to be possessed, at the best, of but an extremely crude idea of the true meaning of the word "liberty." Many of them construe it to mean a license to do as they may see fit, regardless of law. This disposition, connected with the low value they appear to place upon human life, seems to make them individually and collectively a most dangerous people, and one upon whom the strong hand of the law cannot be too quickly laid. We believe the passage of an act, forbidding all unnaturalized foreign born residents within this State to be even possessed of fire arms within our borders, would have a most beneficial effect, not only saving the lives of many birds and animals, that it is our province to protect, but also the lives of many human beings, that are at this time daily sacrificed in this State through the reckless use of arms of this description by people of this class. This in addition to the expenditure of great sums of money in an attempt to punish these wrong-doers. We heartily recommend the passage of an act with this end in view.

We call to your notice the idea advanced by members of the Pennsylvania State Sportsmen's Association, relative to a resident hunter's license. We most certainly need an increase in the amount of money allotted to our use. These gentlemen believe this method of raising this fund to be the most fair and equitable yet suggested. Their claim is that no one is compelled to contribute in any way to this fund, unless he chooses to hunt. The man who does not engage in hunting is not asked to part with one single cent for this purpose. The fee, while nominal to each individual contributor, will in the aggregate place enough cash in our hands to efficiently conduct the work of our office without asking the State for any appropriation whatever. It is estimated that one man out of every thirty in the State goes hunting. It is possible that some of those who are classed as sportsmen may object to this method of raising revenue and for various reasons. Some will oppose it, because they are disposed to get everything possible for themselves without the expenditure of a cent. Some will oppose the bill because they know, if passed, it will be a brake on their actions and make sure their conviction, if they commit depredations upon the lands whereon they may hunt. Some of those classed as agriculturists may also object upon the grounds that they should not be taxed for taking what already belongs to them. We desire to call your attention to the fact that, while the lands may belong to them, the game found thereon belong to the State, or in other words belong jointly to all the people of the State. And while the land-owner may prohibit hunting on his property, he has no right to take game, excepting under the general provisions of the law. We desire to call your attention to

the fact that no farmer or any other citizen of this State will be asked to secure this license, unless he desires to hunt for game. As it now stands, every farmer contributes to the fund appropriated to the use of this Commission. He does this, whether he hunts or not. While he is not taxed directly, a certain sum is deducted from the aggregate collected as State tax that might, were it not for this diversion, be applied to his use—good roads, for instance, and to many other purposes in which he is interested. No class of our people is more benefited through the life work of our birds, either game or otherwise, than is the farmer. By this method, the farmer who does not hunt, is made the recipient of a double return. First, the benefits of the life work of the birds, with which he cannot afford to dispense; and second, the possible benefits from the fund now appropriated to the use of the Game Commission of this Commonwealth. Only the man who hunts is asked to pay this bill. We respectfully refer the question to you for consideration.

If this bill becomes law the fund created through its provisions will be sufficient in all ways to meet the requirements of this office, and we will not ask or expect an appropriation at the hands of the State, except to cover that time between the first day of June, 1907, the end of this fiscal year, and that time when collected under the new law may be available. If the proposed resident hunters' license fails to become a law we feel that we should be accorded an appropriation of at least \$50,000, to be applied to our work during the coming two years.

While we recognize the somewhat tangled, and to a certain extent unfair provisions of existing game laws, as cited by our Secretary, we are not, as a Commission, disposed at this time to recommend alterations therein.

In the matter pertaining to wild waterfowl, either in that particular relating to season, or in that particular relating to the number that may be killed in one day, or in one season by one person, we think it would perhaps be well to allow this law to remain as it is for a time at least, thus giving adjoining states an opportunity to come up to the standard we have created rather than for us to take a step backward. A reference to that part of the report of our Secretary relating to the establishment of game preserve, and the purchase or propagation of game, under the provisions of the act of May 11, 1905, will show what has been done in that direction by this Commission. A reference to the financial statement will show what amount has been expended and what amount of the fund appropriated to our use by the act before referred to still remains in our hands.

The protection accorded to our agricultural sections during what is known as the closed season from gunners of all classes, and the

protection to sheep, horses and the farmer in the prevention of the running at large of dogs is of undoubted value in the State, and should appeal to those residing in those localities to stand by us in our work. We feel that the many benefits that can be attained through the game laws now on the statute books entitle those engaged in the enforcement of these laws to the support and hearty co-operation of every good citizen within this commonwealth.

We call your special attention to that part of the report of our Secretary relating to the wrongs done by the unnaturalized foreign born residents with this State.

JOHN M. PHILLIPS,
C. B. PENROSE,
C. K. SOBER,
W. HEYWARD MYERS,
FRANK G. HARRIS,
Board of Game Commissioners.

I endorse all of the foregoing report except that feature pertaining to wild-waterfowl. I feel that the law as it now stands relative to this subject, is unfair and unjust and should be amended at once. I think the Game Commission should be supported by appropriation from the State rather than by a personal tax.

J. H. WORDEN,
President.

REPORT
OF THE
CHIEF GAME PROTECTOR
TO THE
Board of Game Commissioners
OF
PENNSYLVANIA.

To the Honorable, the Members of the Board of Game Commissioners:

Gentlemen: I herewith submit to you my report of the work done personally and through my direction during the time intervening between November 1, 1905, and November 1, 1906. This work includes only the work done by Game Protectors, Deputy Game Protectors and Special Deputy Game Protectors connected with this office. I desire to follow this report of work done with certain recommendations.

In my report of last November I stated that in my estimation game of all kinds in this State, excepting quail, was increasing, and that wild birds other than game birds, also, appeared to be more plentiful than heretofore. I now take pleasure in stating that this opinion is confirmed by the reports received from the several officers connected with this Commission, from very many individuals located in different parts of the State, and from personal observations. Game of all kinds, with the exception of quail and woodcock, is more plentiful than it has been for very many years in this State. More bear, more wild turkeys, more ruffed grouse, more squirrels, more rabbits have already been killed in this State during the present open season for these animals and birds than have been for years taken throughout any entire season. Woodcock are comparatively scarce. Still, quite a number of these birds are being killed in different parts of the State. Deer are reported to be more plentiful than they have been for years. What number may be killed remains to be

demonstrated, as the season for deer has not yet closed in this State and the success of the deer hunters depends upon climatic conditions, rather than the number of deer that may be found in the forest. Owing to the dry weather and lack of snow a much smaller number of deer were killed last year than during the year of 1904. The number killed last year approximated six hundred, while those captured during 1904 exceeded a thousand. Snow falling toward the close of our last season, demonstrated beyond question that there were many deer in the State, and that this falling off in the numbers taken was not attributable to the scarcity of deer. Many more were left over than for years in this State, so that I anticipate goodly returns to those who may indulge in deer hunting this season.

As you are aware we imported from Alabama something like 3,700 quail last spring at a cost of \$9.00 per dozen (six cocks and six hens.) These birds are reported to have done exceedingly well in every part of the State. The great majority of them were released by the Game Protectors, who have had them under supervision since that time. Many nests have been reported with from twelve to eighteen eggs in each. Five nests were reported as containing more than twenty eggs in each, every one of which hatched. We have had some birds reported as hatching twice. The increase of these birds in addition to the increase of the native birds, that remained, have given us quite a fair number of quail in this State. Of course, nothing like that what we have had in previous years, and nothing like what we desire to have; but still, a fair number, that with limited shooting this fall, and reasonable protection during the coming winter, will give us an exceedingly fair start for next spring. I have had printed some twenty thousand copies of a circular upon the subject of the care and protection of quail, of which several thousand have already been distributed. Among others I sent one copy to each of the several newspapers of the State.

In the matter of the creation of game preserves under the provisions of the act of 1905, I would say: You understand, that in the establishment of these preserves, no attempt has been made by the fencing or otherwise to limit game to any prescribed territory. The land allotted to us by the Forestry Commission under the provisions of the act of May 11, 1905, has been simply surrounded by a fire line, or path, varying in width from eight to ten feet, from which all brush has been cut and cleared away, and upon which forest fires are to be met, and, if possible, extinguished. A single wire has been stretched from tree to tree along one side of said path, with a line of notices printed upon cloth, and conspicuously posted, calling the attention of the public to the purpose of said inclosure, and forbidding trespassing within its limits for any purpose. Game of all

kinds can come and go at pleasure, the idea being to keep men out of these preserves, rather than to keep game in.

Each of these tracts contain from three to four thousand acres, and have been located with a view to securing good winter quarters, as well as summer feed for deer, wild turkeys and ruffed grouse. Two of these tracts, one in Clearfield county and one in Clinton county, have been completed, the fire lines being cut and the wire and notices in place.

The preserve in Franklin county has not yet been completed, owing to trouble in securing the laborers necessary to accomplish the desired end. The corners of this preserve have been established. The wire and notices are on the ground, and the fire line is now being cut. We expect to complete this work in the near future.

I have contracted with C. C. Worthington of Shawnee, Monroe county, Pennsylvania, for the delivery of sixty does sometime during the coming winter. This delivery is made conditional upon the fall of snow, as Mr. Worthington writes that it will be impossible for him to catch the deer unless snow, in sufficient quantity, falls to cover the ordinary feed, thus compelling them to resort to artificial food, at which time, they can easily be led into inclosures and there captured. I desire to place twenty of these does upon each of the preserves established. Deer are found already in more or less numbers in each of these places, so that the question of supplying bucks need not be considered.

The running of deer with dogs, either with or without the care of their master appears to have been almost wholly stopped. But two or three instances of this kind have been reported to us during the past year. Many dogs, found running small game have been killed, either by the owner of the dog, or by the owner of the lands upon which they were found. Some few were killed by officers of this Commission.

I have sent out circulars to all of the officers connected with the Game Commission, asking for a special report in connection with their regular reports for November, through which I hope to secure, as nearly as possible, the number of deer, bear and wild turkey killed in this State, with a general estimate on smaller game. Through these reports in connection with what I may secure from individuals, I hope to be able to give you a comparatively fair understanding of conditions and to demonstrate by actual figures whether or not our work in the line of game protection has been a benefit to the State.

I assert without the fear of contradiction, that wild birds of all kinds other than game birds were far more numerous last summer than they had been for a number of years, showing that our work in this direction at least has been a success. It remains to be de-

terminated, whether or not the Game Commission is to be commended, rather than condemned for the efforts that they have put forth in this direction, especially from those engaged in raising small fruits and berries. It does seem to me that the excessive increase of any particular species of birds, especially the robin, the catbird, the cherry bird, the king bird, and many others that I might name, will sooner or later satisfy many people that there is a possibility of too much of a good thing, and that so far at least as these birds are concerned, the evils they are intended to remedy are no more to be dreaded than these birds, and that the cure is quite as expensive as the disease. It is certainly very trying and aggravating for anyone to be compelled to see the catbird, or the robin, or other birds destroying one's strawberries, or mulberries, or cherries, with no right other than simply frightening the birds away, knowing that within a few minutes after your back is turned they will return, reinforced by all their relatives in that section. What the remedy may be for this condition I am unable even to suggest.

In the matter of shooting wildfowl, it seems to me our law needs some correction. I consider the limit of birds of this description that may be killed in one day, or in one season, as fixed by the last act of Assembly upon the subject, very unfair and unjust to the sportsmen of this State, who sometimes go after game of this kind. To illustrate, we know that wild geese are found in this State to a limited extent, and then only when on their migratory course, fall or spring, they may stop for a limited time. A hunter may spend years on the waters of Pennsylvania and never succeed in killing one single goose. It does not seem fair to me, that such a man should, if the opportunity presents itself, be limited in the number he might kill to two geese in one day, or ten in one season, when we know that the very birds he is prevented by our law from killing will pass over the State line and be exposed to dangers of all kinds. We know they go into a country where they are killed by all methods, that suggest themselves to men. They are killed at all times and in unlimited numbers. It will not do to claim that the laws of these states are as strict as our own and give as ample protection. Many of us certainly know better than this. What is the good of a law in any state without the power of its enforcement? And what southern state even in a half degree attempts to enforce its game laws? What applies to geese applies to all migratory wildfowl and I feel that the number limit on all of these birds, as it now stands should be entirely removed, or the number now permitted to be killed increased three or four times over. The open season for these birds, as fixed by the act of 1905, appears to me to defeat the purpose it was intended to serve, viz: peace and rest for the birds, while on their way to their nesting grounds and

when they were mating. Shooting during the first two weeks of April, I consider entirely wrong, and would much prefer to see the season open on September first and close April first, rather than it now stands from September first to January first, and the first two weeks of April. It is a well known fact that under ordinary circumstances our inland streams and lakes are frozen up securely from the middle of December to the middle of February, frequently to the middle of March. During this time, there is no duck shooting in this State because there are no ducks. The fall shooting is limited indeed and I feel that in fairness to all our people, to those who are not able financially to follow these birds to their winter homes, they should at least be given the month of March, in which to secure a part of what belongs to them.

I am exceedingly sorry to be compelled to report that the slaughter of game of all kinds and the killing of our wild birds other than game birds by unnaturalized foreign born residents is still carried on to a very great extent notwithstanding the fact that we have had notices in Italian and Slavish, printed upon cloth, posted in very many parts of the State. These notices, call attention of all people of both nationalities to the law and to their liability under it. We have arrested and punished numbers of these people with apparently no effect whatever upon others of that class, excepting in the immediate camp, where the arrest was made. We have had fourteen officers shot at during the present year. We have had seven shot, three of whom were killed, and three very seriously wounded; and one other, a gentlemen of Lawrence county, while not serving under a commission of this Board, was killed for doing our work. This gentleman was shot and mortally wounded within a few yards of the place where Mr. L. S. Houk, one of our regular protectors was killed early in the spring. All of this outrageous work, so far as we are able to determine has been done by unnaturalized foreigners, mostly Italians. We have up to this time been unable to arrest one individual accused of these wrongs. And I again re-iterate what I said in my report of last year, that it seems to me the only hope of correcting this condition will be to secure the passage of a law forbidding this class of people to even have in possession fire arms, or weapons of any description, within the limits of the Commonwealth of Pennsylvania. I know of one railroad car used as a cabin by a lot of Italians within three miles of Harrisburg, that is said to contain nine guns, all of which are used at various times to kill our birds. We have spent much time and considerable money in an attempt to arrest and punish these people; but up to this time have failed. When we are there they are at work. When we are absent much shooting is done. If I had the power to take these guns, their power for evil would be removed. Let the State grant us this right,

and the question of correcting these conditions will be up to us. The question of the right of these people to carry arms is not one of game and bird protection only. It is not one of safety to our officers alone, but is one of protection and justice to all our people. During the past year we have been compelled to defend ourselves upon numerous occasions, in one instance a foreigner, who was the aggressor being killed. Two of our officers were shot in the same melee. Both of these men are now lying in the Luzerne county jail, awaiting trial for murder, so that, taking all things into consideration, one would hardly consider the position of a game protector in this State the most enviable one to be secured. We are compelled to meet these men when they are carrying fire arms, when they know they are violating the law, and when they know that if arrested, punishment is sure to follow. Many of them are criminals. If we meet violence with violence we are compelled to answer to the courts. There surely ought to be some remedy for this condition, some way, at least, of placing the officer entrusted with this work upon a safe working basis, and of paying him for services rendered. Under the limited appropriation at our command we are not in position to pay salaries, or even expenses, to more than eight men. All others who hold commissions from this Board, in doing our work are compelled to face all kinds of dangers, and to run all kinds of risks without the promise or hope of financial return in any way from this Board. A great majority are doing it simply, because of their love for this work, and their interest in game and wild bird protection. This, to me, does not seem right. If our game and wild birds are worth protection and this Commission is worth it, it should be given enough to do with. If these things are not worth protection, the game laws should be stricken from the books. If the State feels that wild birds and game birds are worth saving, and it is too poor to contribute in dollars and cents in an amount that is necessary to conduct that work in a satisfactory manner, it should at least recognize, and enact into law some idea or plan endorsed by citizens of the State, who are interested, and who are ready to welcome methods that have already been adopted by other States and that seem to solve this question satisfactory.

One of the methods which seems especially adapted to secure the chief end desired, that of sufficient revenue, is that the State should enact a law requiring every resident within the State to secure a license before hunting for game, paying therefor the sum of one dollar, eighty-five cents of which shall belong to the Game Commission. The fund thus realized, it is claimed, would be ample in every way without appropriation from the State, to not only pay officers of the Game Commission for services rendered, and money expended, but to supply a fund adequate in every way to employ counsel badly

needed in many instances, both in prosecution of offenders against the game laws and in defence of officers charged with different offences in the enforcement of such laws. It would give money wherewith to help those of our force, who might be injured in the work of enforcing the laws. And would place in the hands of the Game Commission a considerable sum, through which game could be purchased and propagated for the benefit of the State. I am informed that the presentation of such a bill is contemplated by the Pennsylvania State Sportsmen's Association; that such a bill is in reality already drafted, and in fact backed by the influence of this organization and will be presented at the coming session of the Legislature. The chief purpose of this measure to raise revenue. A very great benefit will be derived through the additional protection that many of its provisions will give in various ways, it is drafted and may be pushed for the sole purpose of securing money wherewith to defray the expenses of this Board.

The proposed bill will say that no one under the age of fourteen years will be permitted to carry a gun, either in the fields, in the forest or on the waters of this State. It will say, that all persons between the ages of fourteen and twenty-one years, may hunt upon property, owned or controlled by themselves, or by the parent or parents of such person, and that all other persons born in the United States, and resident of this State, shall pay a fee of one dollar for the privilege of hunting, for what is classed as game within the limits of this Commonwealth, and that all persons between the ages of fourteen and twenty-one years shall secure a license before hunting on lands not owned or controlled, either by themselves or by the parent or parents of said person. It will not attempt in any way to prevent any one from using a gun in defense of person or property. These gentlemen argue that the great majority of men who hunt are perfectly willing and anxious to pay this amount for this purpose, and that any man not able to pay to this extent should not waste his time in hunting; that the elimination of the small boy with the gun will save the lives of unnumbered birds other than game birds and animals, and will prevent much wrong that is constantly being done at the hands of this class; that a fund sufficiently large to conduct the work of the Game Commission will be secured and this Board be placed upon a much better basis than ever before, being to meet the requirements and fill the duties of its creation. They argue, that but one man in thirty in this State is a hunter, and that, while every man, woman and child is benefited by the life work of birds, but one out of thirty is benefited by the hunting of game. They see no reason why twenty-nine men should be compelled to contribute toward the maintenance of game for the pleasure or benefit of one man, especially, when that one man is willing

and ready to foot the entire bill himself, and only asks that the Legislature should legalize the method through which this fund is to be collected, defining the purposes to which it shall be applied and to prescribe a system of accounting. They argue, that while, it to a certain extent may be a hardship to compel a farmer to pay for the privilege of hunting on his own lands, they ask him to remember that he does not own the game, and to consider the many benefits that will come to him through the passage of such a law. In many of the western states, where this system of raising revenue has been adopted, the farmer, who at first opposed it, is now its chief champion, his only complaint being that it is not stringent enough. The proposed bill will say, in addition to what has already been set forth, that no man shall hunt without first securing this license; that the license shall not be transferable, and shall contain a complete description of the person to whom it is issued. It will require that this license shall be exposed to view upon demand made by any officer of the State, or upon demand made by the owner or lessee of any lands within the State, upon which a person may be found hunting, or upon demand of any employe of such land-owner or lessee. This, the sportsmen argue, puts the farmer in absolute control of the situation. If his lands are posted and men insist upon hunting thereon, he has simply to demand a view of his license to determine the name and residence of the man he is to prosecute. Where his lands are not posted he is still in command of the situation, as it will prevent many worthless men from going hunting, men who care not whether game is killed or not, and who only use the hunter's coat and the hunter's name as a shield for wrongs of all kinds. The possibilities of arrest will prevent many who hold a license from doing wrong. This license is in reality an insurance against outrages of all descriptions at the hands of men, who go out under the name of hunters; and all for the sum of one dollar per year. Surely, no man after a fair consideration of this proposition can object to it.

I desire to say that the efforts of this office to exterminate vermin of various kinds, through the use of strychnine, seems to have met with nothing but success. In every section where we have tried it systematically, the desired return is very much in evidence. In Luzerne county, the territory poisoned for eight or more successive years has made a wonderful return. The protector in charge of that work in that section writes me that birds, ruffed grouse, were more plentiful than ever before, and that rabbits were quite abundant. His last year's report shows that fully twelve thousand birds were killed on this same ground, a territory about twenty miles square, during the fall of 1905. He writes, "This is not an estimate, but is the result of actual count, and I have it in my power to give you the names of the different men who killed these birds with the

number taken by each." I have been hunting on a certain territory for years and I feel that I am within bounds, when I say that I saw fully two hundred birds on that territory during the fall of 1903, with abundant rabbit signs. During the fall of 1904 I saw but seven birds by actual count, and the tracks of two rabbits. I did see the tracks and signs of scores of foxes, wildcats and skunks, as well as other vermin. I poisoned the ground myself in the fall after the close of the game season and had it poisoned again the following spring. Last year I could have killed the limit, five grouse in two or three hours of any day, and that too without a dog. I saw within a radius of not more than two miles of my camp nine different bunches, containing in the aggregate fully one hundred birds, and was told of many other such covies in that neighborhood. I saw evidence of not more than a dozen foxes, the track of one wildcat, and not the sign of a skunk. I covered this territory last fall and had it covered again about the last week in February, with the result that ruffed grouse are reported everywhere in that section, in numbers several times in excess of what has been heard of for many years and that rabbits are plentiful. Just as it is in these two sections cited, so it is all over the State where poison has been used systematically. The question of placing poison has been considered in very many phases. Experiments of various descriptions have been tried, some upon chickens, some with ducks, some upon turkeys, some upon quail and upon different kinds of wild birds other than game birds. One gentleman told me of feeding nux vomica to a chicken, a common hen, in quantities sufficient to have produced fully fifteen grains of strychnine with no injurious result to the hen. The gentleman saying, the only visible effect so far as he could see, was that the hen appeared to have lost confidence in him. Six quail were repeatedly given excessive doses of strychnine, enough at each time and to each bird to have caused the death of several men. The birds seemed to have been wholly unaffected by the poison. One of these birds was afterwards killed by having forced into its craw two or three times the quantity administered in the first instance. Turkeys withstood excessive doses of this poison, while a duck quickly succumbed, after swallowing a small quantity. Crows and blackbirds were easily killed by the administration of small doses. I learned from a reliable source that residents of certain counties had for long periods been in the habit of mixing nux vomica with the food given their chickens at certain times—the purpose being to kill hawks—and that while the poison did not appear in any way to affect the chicken, it was sure to kill any hawk that might, within the limits of several hours or days, partake of a chicken thus treated. While none of these experiments have been carried to an absolute conclusion, they did determine beyond

question, that a fixed quantity of strychnine would not affect all animals and birds in the same way. That many birds appear to be absolutely immune to its effects; that they are wholly unaffected by a dose in quantity sufficient to kill several men; and that many four-footed animals are easily killed through the use of this agent. While our protectors found the dead bodies of many animals killed by this poison, they have not yet discovered the body of one single dead bird, either game or otherwise, apparently determining beyond question, that strychnine is the solution of the vermin problem, and that when administered as directed by this office in a special vehicle, such as the dead body of a sparrow, or a piece of fish, both of which decompose quickly and disappear, placed in a special locality, namely, on the wild lands of the State; and at a special time, namely, late in the fall, after the close of the game season, and again early in the spring, nothing but good and benefit to the State can result.

I take pleasure in reporting that the interest of the people of the State, hunters, non-hunters, ladies as well as gentlemen, in the work of game and wild bird protection, seems to be increasing and is most noticeable. I take pleasure in reporting that many clubs have been organized for this purpose during the last year. Quite a number of prominent people in this State are taking an interest in this work, some of them even being commissioned and acting as special Deputy Game Protectors. We have at this time eight game protectors, fifty-four Deputy Game Protectors, and about one-hundred and sixty Special Deputy Game Protectors. Several of the latter were appointed in different parts of the State upon the recommendation of game protective organizations, which have vouched for the fitness and integrity of each appointee so endorsed. All of these men are under bond and have taken the oath of office required by the law authorizing their appointment. I believe a great majority of these men to be honest and energetic, earnestly laboring for the cause of game and wild bird protection. I believe that they have done very much good outside of their return in dollars and cents to this office, and during the coming year the benefits of their work already done and that is to be done will be very noticeable. Reports from our officers and personal contact with many individuals in different parts of the State satisfy me that the laws known as the game laws are popular, and that the Game Commission has not only the sympathy and good will of the great majority of our people, but that we have the respect and fear of many men, who, heretofore, have appeared to be entirely regardless of the law and its consequences. I reiterate what I have said in several of my reports heretofore, that I do not know of one single instance where an officer, connected with this Commission, either led an innocent person

into temptation for the purpose of collecting penalties, or of making a prosecution for any reason excepting a wilfull and deliberate violation of the game laws. I have not had any occasion to reprimand a single officer for this kind of work; but was compelled to prosecute to conviction one of our men for deliberate and wilfull misstatement made in his reports, through which money was secured from the Commission to which he was not entitled. This man was convicted and served six months in the Dauphin county jail. I also recalled the commission of two men for drunkenness.

I take pleasure in saying that the practise of hunting on Sunday, which, but a year ago, seemed to be very popular in certain sections of the State, and was persisted in, has been to a very great extent abandoned, excepting in the neighborhood of where the foreigners are found in considerable numbers. The great majority of violations of this particular provision of the law appears to be done by men of this class.

Communications by mail to this office during the past year have very largely increased. Many of the complaints that come to us in that way, prove upon investigation to be without foundation in facts. Many that are correct in every way are so covered by the parties committing the offences, or by those knowing the facts, that we find it impossible to secure convictions. Still, the effect is good, for it shows that very many people are interested in the success of our work, and the parties reported, sooner or later, understand that we are after them, and hesitate to renew the offence. I feel satisfied that the financial return, as shown by our balance sheet, does not by any means cover the entire benefits secured. I will not attempt to state specifically the causes for which we have brought suit, nor to name the persons prosecuted for violations of the game laws during the past year, but do call your attention to the amount of penalties secured of a proof of what has been done. I would also state that in many cases, where convictions are secured, the defendants, instead of paying the penalties prescribed by law, in cash, selected to serve one day in jail for each dollar imposed and unpaid.

The work in the office as well as in the field is running along smoothly. Our books are up to date. They show our work in all respects and are open to inspection by any person who may desire to scan them. I am proud to be able to look each member of the Game Commission, or any other person in the eye, and to say without the fear of successful contradiction, that we have tried in all ways to be fair and just to all men; that we have tried to interpret the law fairly, and according to what we consider its spirit rather than its literal wording; that we have allowed no officer to use his

position to persecute rather than to prosecute, or to wrong anyone, and have shown no partiality to any living person for any reason.

I respectfully recommend the following:

1. That a bill be presented absolutely prohibiting unnaturalized foreign born residents to be possessed of fire arms of any description in any place, or for any purpose, within the limits of this Commonwealth, and that heavy penalties be imposed upon dealers who may sell either fire arms or ammunition to people of this class within the limits of this Commonwealth.

2. That the law regulating the killing of wild water fowl be amended, so that it will be fair and just, and a benefit to the people of our own State.

3. That existing provisions, which at this time impose a penalty of fifty dollars on a person who may kill a rabbit in any way excepting through the use of a gun, be repealed.

4. That the section which imposes a like penalty on an individual who may destroy the nest of a bird other than a game bird, be altered and amended in such a way, as to make the penalties imposed for the violation of this provision reasonable, and in accord with penalties imposed for like offences by other provisions of this law. For instance, if a man kill a rabbit out of season with a gun, the penalty is ten dollars. *If he digs a rabbit out of a stone pile, or catches it in a trap or hollow log, even in season, the penalty is fifty dollars.* He may kill a wild bird other than a game bird in defence of his fruit or berries or other property. If he thus kills both of the parent birds, the young will surely die. If he kill a wild bird other than a game bird for any purpose other than a protection to his property, he is liable to a penalty of ten dollars. *If he destroys or interferes with the nest of a wild bird other than a game bird, even though there is but one egg in that nest, or none at all, he is liable to a penalty of fifty dollars.* This, it seems to me is most unreasonable, and was never intended by those, who enacted these measures into law.

Experience teaches me that the great majority of our people are honest and are willing to abide by and obey laws that are reasonable and just; but they resent any attempt to do them an injustice, and vigorously oppose, not only the provisions that permit or make persecution possible, but also the entire system to which such provisions may be attached. The great majority of the provisions of our game laws appear to be reasonable and fair, and seem to have the approval and support of the majority of our people. These measures above referred to are so palpably out of proportion to other provisions, and so excessive as to reflect upon the entire system.

I have, because of the character of my work, been so situated, as to have my attention frequently called to the work done by the Department of Forestry and those in its employ, and I desire from the standpoint of a Game Protector to commend the work done during the past year, especially in the matter of the prevention and extinguishment of forest fires.

I desire also to express my hearty approval of the action of those in authority creating the State Constabulary, and to thank them for the great help thus extended to the cause of game and wild bird protection in Pennsylvania. I cannot refrain from commending the judgment and foresight of the leader in this movement, and only regret that the force thus created was not at the very least made double what it is. I can see great possibilities to our work through the help of the State Constabulary.

I herewith submit a statement of our financial accounts, separately—the general from the special, so that you will have no trouble in understanding at a glance just how things stand.

Respectfully yours,

JOSEPH KALBFUS,

Secretary of the Game Commission.

**STATEMENT OF ACCOUNTS FROM NOVEMBER 1, 1905, TO
NOVEMBER 1, 1906.**

For the month of November:

Balance on hand Nov. 1, 1905,	\$508 73	
To penalties, collected,	606 00	
To general appropriation,	2,500 00	
Total receipts,		\$3,614 73
By warden services and expenses,	\$940 16	
By one-half penalties returned,	265 00	
By office expenses,	177 04	
By attorney fees,	200 00	
		1,582 20
Balance on hand Dec. 1, 1905,		\$2,032 53

Quarter beginning December 1, 1905:

Balance on hand,	\$2,032 53	
To penalties collected,	1,195 25	
To certificates,	10 00	
To costs paid out and returned,	13 30	
To P. R. R. mileage book return,	10 00	
To general appropriation,	2,500 00	
	<hr/>	
Total,		\$5,761 08

By warden services and expenses,	\$3,757 58	
By one-half penalties returned,	377 50	
By office expenses,	113 14	
By attorney fees,	260 00	
By Dr. K. trip to N. C. for quail,	50 00	
	<hr/>	
		4,558 22

Balance on hand March 1, 1906,	<hr/>	\$1,202 86
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Quarter beginning March 1, 1906:

Balance on hand,	\$1,202 86	
To penalties,	774 00	
To certificates,	30 00	
To costs returned,	60 00	
To P. R. R. mileage book return,	40 00	
To sale of quail at cost price,	148 50	
To general appropriation,	2,500 00	
To appropriation, restocking account, ...	3,000 00	
	<hr/>	
Total,		\$7,655 36

By wardens services and expenses,	\$2,467 50	
By one-half penalties returned,	249 00	
By office expenses, game laws, etc.,	436 77	
By attorney fees,	126 14	
By purchasing, shipping quail,	2,536 54	
	<hr/>	
		5,815 95

Balance on hand June 1, 1906.	<hr/>	\$1,839 41
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Quarter beginning June 1, 1906:

Balance on hand,	\$1,839 41	
To penalties,	565 85	
To certificates,	40 00	
To costs returned,	59 68	
To P. R. R. mileage book return,	50 00	
To general appropriation,	2,500 00	
	<hr/>	
Total,		\$5,054 94

By warden services and expenses,	\$1,252 65	
By one-half of penalties returned,	183 35	
By attorney fees,	253 00	
By office expenses,	27 98	
By Houk case,	804 59	
By restocking account,	324 86	
	<hr/>	
		3,846 43

Balance on hand, September 1, 1906, \$1,208 51

Quarter beginning September 1, 1906, to November 1, 1906.

Balance on hand,	\$1,208 51	
To penalties,	1,340 00	
To certificates,	10 00	
To game laws,	5 00	
To licenses, etc. with State Treas.,	1,855 09	
To appropriation, restocking account, ..	3,000 00	
	<hr/>	
Total,		\$7,418 60

By warden services and expenses,	\$1,680 42	
By one-half of penalties returned,	465 00	
By attorney fees,	107 70	
By Houk case,	682 04	
By office expenses,	110 00	
By restocking account,	347 90	
	<hr/>	
		3,393 06

Total balance on hand November 1, 1906, \$4,125 54

Of this amount the restocking account stands
as follows:

To appropriation,	\$6,000 00	
To sale of quail at cost price,	148 50	
		<hr/>
		\$6,148 50
By trip to N. C. by Dr. Kalbfus to secure quail,	\$50 00	
By H. M. Long & Sons, quail,	2,646 31	
To telegrams,	23 99	
To express in shipping,	67 53	
By labor, repacking, etc.,	50 00	
To preserves, surveying, wire, etc.,	522 10	
		<hr/>
		3,359 93
		<hr/>
Balance on hand Nov. 1,		\$2,788 57
		<hr/>
This leaves a balance of the general fund on hand on November 1, 1906,		\$1,366 97
		<hr/>
		<hr/>

ANNUAL REPORT

OF THE

GAME COMMISSIONERS

OF THE

State of Pennsylvania,

ALSO A REPORT OF THE

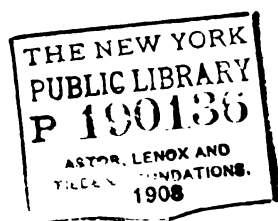
CHIEF GAME PROTECTOR

TO THE COMMISSION

FOR

THE YEAR 1907.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTER
1908,



REPORT

OF THE

BOARD OF GAME COMMISSIONERS.

To His Excellency, Edwin S. Stuart, Governor of Pennsylvania:

Sir: In compliance with the law of this State, we hereby respectfully submit to you our report of the work done through and under our direction during the year intervening between December first, 1906, and December first, 1907; and that you may more thoroughly understand the situation attach hereto and make a part of this paper the Report of our Secretary to us for the same period.

From what we have been able to gather from personal observations and from written reports, we feel satisfied that song and insectivorous birds are rapidly increasing in the State, chiefly because the people are beginning to realize the value of the life work of each one of these birds, and are making their influence felt in every community. Game birds have not been as plentiful during the last season as heretofore, notwithstanding the promised increase because of the many birds left over the year before. We find the same condition existing throughout the entire United States and even in Canada, where ruffed grouse are found; and are unable to arrive at any definite solution of the problem or to give any conclusive reason for existing conditions. Quail and wild-turkey appear to have suffered throughout the northern states, where they are located, in the same manner. From the evidence at our command we are led to believe that a great proportion, at least, of the trouble was caused by the unseasonable weather; and that altogether it was caused by something over which we had no control. We find that a fair number of our native game birds, wild-turkey, ruffed grouse and quail, are still found in this State, and hope for better returns next year.

We reiterate the assertion repeatedly made in our reports, that the presence of many unnaturalized foreign born residents within our borders, and their disposition to use guns, legally and illegally,

is a constant and exceedingly grave menace to the wild life of our State and to the peace of every community wherein these people are found. From the evidence brought to us through our efforts to unravel the mystery surrounding the murder of some of our officers and to punish those implicated, we are satisfied that many of the foreigners who come into this State, and especially the Italian, were criminals in their own country and have brought with them into this country the same disposition to violate the law, they possessed in their own land; and that they are cemented and protected by the same organization that in their own land assisted and shielded them in their defiance of the law. We believe that this is a growing and increasing evil in this State. We believe that the bill introduced in the session of the Legislature at our instance, to take away from this class of people the right to carry arms publicly in this State, was a step in the right direction, and deeply regret its defeat.

We are informed that there is in certain sections of the State considerable dissatisfaction regarding the early opening of the game season as fixed by late laws; that when our next Legislature convenes there will possibly be an effort made to secure a uniform game season in Pennsylvania, making the season for all game open upon the same day and close upon the same day. This, in our opinion, would be a move in the right direction, if it can be accomplished, and if it could be arranged to the satisfaction of the several interested sections of the State. Anything that may be done in this direction will receive the support of the Game Commission, excepting an effort to extend the open season into that time, when snow covers the ground, during which time we feel that all birds and animals should be given peace and rest, rather than to be persecuted or driven from point to point. As a Commission we have no fault to find at this time with the law, and will refrain from making any recommendations we may have upon the subject of additional law until our next report.

Respectfully yours,

JAMES H. WORDEN,

President.

W. HEYWOOD MYERS,

C. K. SOBER,

JNO. M. PHILLIPS,

C. B. PENROSE,

FRANK G. HARRIS.

REPORT
OF THE
CHIEF GAME PROTECTOR
TO THE
GAME COMMISSION
OF THE
STATE OF PENNSYLVANIA FOR 1907.

Harrisburg, Pa., January 2, 1908.

To the Honorable, Board of Game Commissioners of Pennsylvania:

Gentlemen: I herewith submit my report to you, of the work done personally, and by those under my direction, during the time intervening between December first, 1906, and December first, 1907. This report considers only the work done by this Commission through its officers.

WILD BIRDS OTHER THAN GAME BIRDS.

I am satisfied that all wild birds other than game birds have been very materially increased during the past year and that we had many more Summer birds in Pennsylvania during the past season, than for many years. The shooting of this class of birds by small boys, and their persecution through the robbing of nests by the same class, has, to a very great extent, been done away with. Not only because the small boy fears the punishment that very frequently follows depredations of this character, but because he has learned and is learning the worth of birds, and derives a pleasure through the protection, and care, and study of birds, that far exceeds the pleasure he derives through their destruction. Many of our people other than the small boy are taking an interest in this subject, that in my opinion portends much good to our birds.

GAME BIRDS.

Of our game birds my report will not be found so flattering. While we have in this State a fair number of non-migratory game birds, such as the ruffed grouse, the quail and the wild turkey, and enough

with good conditions surrounding breeding next year to make these birds fairly plentiful. We have not had anything like the number of birds of these kinds, that I hoped we would have, basing my hopes and calculations on the large number of birds left over at the close of last season, which I believe was in number in the neighborhood of the very best showing this State could have made at the beginning of any season for many years prior to that time. The same conditions appear to have existed throughout the greater part of the United States, and the same scarcity seems to be reported from the different sections this Fall. Numerous reasons have been advanced in explanation of these existing conditions. Hawks, owls, foxes, wild-cats, house-cats, cholera, lice, woodticks, cold wet weather during the Spring months, with unheard of and unknown diseases which killed our birds on the nests and turned the albumen of the eggs into water, have been advanced. I have, through the officers of this Commission and friends of game and wildbird protection, located in almost every section of the State, as well as by personal efforts, attempted to collect data that would justify a rational opinion upon this subject and am satisfied from the evidence at my command that the greater part of the trouble arose from the cold wet weather experienced during the months when all of these birds should have been laying and hatching, and its continuance through the few weeks following the turning out of young birds, is more responsible than any other cause for this condition.

In some sections of the State ruffed grouse were found in coveys fairly numerous. While in other sections, there were no young birds at all. The latter condition apparently covering a greater part of the State. In my travels through the woods this Fall I came across a fair number of old grouse. I found them on the broad flat tops of the mountains and on the rough hill sides, and not in the deep valleys and along the waterways where they have usually been found at that time of the year. I found food, such as acorns, winter-green berries, huckle-berries and wild grapes on the ground in unprecedented quantities. I found the plume of the shumac full and plenty, with birch shoots and sprouts everywhere. I, of course, recognize the fact that there are less old birds now, than there was at this time last year, because of the slaughter made by foxes, and wild-cats, and house-cats, and vermin generally, as well as by unlawful killing by hunters.

Still I feel that there is a goodly supply of old birds left, that will surely replenish depleted covers within a year or so, if the battle against vermin and wasteful hunting is continued systematically. The killing of game by hunters through the use of machine guns or in excessive numbers, is bad enough, but is nothing when compared

with the endless slaughter, day and night, week in and week out, during the entire year, by predatory birds and beasts. What I have said of the ruffed grouse will also apply to the wild-turkey.

BOUNTY LAW.

In my opinion the appropriation made by the last session of the Legislature for the payment of bounties upon certain animals is money well applied. The only trouble being, as I see it, that the appropriation is not sufficient to meet demands, and that the list of animals as named in the act is not comprehensive enough. If it is just to place a bounty on the fox this list should have added to it at least the house-cat, than which there is no greater destroyer of bird life in the world; and the two birds known as the great horned owl and the goshawk, the distinguishable features of which are so evident that it is absolutely impossible to mistake either of them for any other birds.

QUAIL.

What I have said about the grouse and the wild-turkey applies to our quail, so far as it goes, but does not entirely cover his conditions and needs. While the turkey and the grouse may be able to battle successfully with the snows and storms and to subsist fairly well from food gathered in the tree tops, the quail is not able to do this and is doomed to collect his food upon the ground or to die. A battle for a month or six weeks in the snow cannot fail to reduce the weight of this little bird fully one-third. Follow this with a day or so of cold rain, follow this again with a freeze, and one sees the end of Bobwhite. Wet and bedraggled, with no food in his stomach, he is quickly chilled to the bone and the end of his journey reached. There seems to me to be no alternative. Recognizing this condition and the very great value of the quail to every community and to every individual in this Commonwealth, to the sportsmen through the benefit of recreation, and to every other person through the value of its life work, I have made a special effort in behalf of the quail; and have sent out to every person to whom we sent the pamphlet containing the game, fish and forestry laws a circular letter entitled "Save Our Birds," a copy of which is herewith attached. We have also mailed this circular to many of the newspapers in the State; secured the promise of Prof. Surface, the State Economic Zoologist, to mention the subject in his monthly bulletin, and also the promise of the Deputy Secretary of Agriculture to bring this subject before the different Institutes that may be held throughout the State this Fall. We are certainly doing much for the protection and preservation of quail at this time, more than was ever attempted before in this State and hope for good results. We have, this Fall, many more quail than last year at the same time.

MIGRATORY BIRDS.

Migratory birds, such as the woodcock and snipe of various kinds, have not appeared to be as plentiful during the last spring and last fall as in former years. In my opinion they are rapidly passing, as did the wild pigeon to absolute extinction. Harrassed and pursued, driven from post to pillar, from August to May, from Maine and the Provinces to Florida and even into South America, there is no alternative, unless the National Government extends the protection of its strong arm to this bird, and to ducks and geese as well, and to all other migratory birds, through the enactment of stringent National laws and the education of the people along correct lines.

RABBITS AND SQUIRRELS.

Rabbits and squirrels appear to have been found in about the usual numbers, plentiful in some sections, while they were scarce in others. In some sections of the State there has been quite a protest raised over the opening of the rabbit season on the fifteenth day of October, or fifteen days earlier than it was opened prior to last year. A peculiar feature of this situation is that these protests come from highly cultivated districts of the State, rather than the wild districts and from those sections of the State where the farmer desires to kill rabbits at all times in protection or defence of his property. The two positions seem to be slightly inconsistent. What the result will be I cannot say.

DEER AND BEAR.

Deer and bear are increasing rapidly. When the bill proposing to limit the killing of deer to, a male deer with horns and which afterwards became law, was first introduced, I was opposed to the measure, as I was during the year 1904, at which time in my report to you, I stated my reasons for opposing a bill of this kind. I thought that if a measure of this kind became law, it would be very apt to result in trouble to many men who otherwise intended to be honest. That because of the very thick under-brush found in the deer territory, the high bracken and rough country, it would be almost impossible to determine the sex of a deer until the deer had been killed. I preferred the making of an absolute closed season for deer, if protection to that extent was found to be necessary, and I at once began a canvass of the Senate and House of Representatives relative to these matters. I also consulted many sportsmen and other men, who were in the habit of going into the woods during the deer season, regarding their thought upon the subject, and found that almost without exception, the bird hunters, the rabbit hunters, the lumbermen, the land-owners, and the people generally who desired

to go into the woods during the last two weeks in November, including many deer hunters, favored the passage of this measure. They argued that they, as citizens of this Commonwealth, had just as much right to be in the woods at that time, as had the deer hunter, and that under the then existing law there was not one moment of all that time when the life of any one of them was safe. They claimed that they, as human beings, were just as much entitled to protection as were deer. I found from statistics gathered by the Biological Survey at Washington, that forty-eight men had been killed and one hundred and four wounded within the United States by deer hunters during the open season of 1906. I, therefore, refrained from opposing this bill before the Legislature and urged the Governor to sign it, when it came before him. I am now satisfied this is one of the best measures ever placed upon the books of Pennsylvania, and consider that we have very many more honest hunters in Pennsylvania than those who are interested in the slaughter of deer would have us believe. I feel certain that no more deer have lost their lives in violation of law since the passage of this act, than would have been killed illegally during the same period had there been an absolute close season. Some does have been killed, but nothing like the number I anticipated. I am confident the great majority of hunters respect this law. I know from personal experience and from conversation with deer hunters in different parts of the State, that the lives of numbers of bucks were spared through the inability of the hunter to see the horns in time, and that hundreds of does were spared. It is, of course, a new idea and very trying to deer hunters in this State to hold their fire, when a fine doe or a deer of any description stands in front of them. Yet this was almost invariably done, and the deer hunters of this State are entitled to credit for so doing. Some few violated the law, some by mistake, some deliberately. Some have already been punished, and more will be made to pay the penalty before the coming of next season. From data collected I am satisfied that the number of bucks killed this year did not exceed one-fourth of the number of deer killed during the Fall of 1906; and would not exceed two-thirds of the number of bucks killed during that season. I met many hunters who had seen does and young deer this year, but who failed to see a buck with horns. I saw several who saw bucks, but who failed to shoot because the deer had disappeared about the time they decided to a certainty upon the sex of the deer. The great majority of deer hunters I have met this Fall, both during the season and since that time, although frequently disappointed in not securing a deer, expressed themselves as satisfied with the law. The feeling of personal security surrounding each one apparently far outweighed

any pleasure they might have derived through the killing of a deer, or any number of deer. I, of course, met some hunters who were violently opposed to this measure, and I noticed that almost without exception the opponents of this law were men whose sole desire was to kill no matter what the result might be to others. Some of them actually giving expression to this sentiment. The number of deer killed in this Commonwealth during 1906 was in the neighborhood of 800. Of this number perhaps 350 were bucks, and the remainder, 450, were does. From positive reports received from several counties, I estimate that not more than 200 bucks were killed this year throughout the entire State, and believe I am within bounds when I say, that not more than 30 does will be found to have lost their lives. I am in receipt of many letters and statements indicating the number of does killed at far above that figure, but have been unable to establish the actual killing of but nine does. If these figures be correct and the same ratio of killing was followed as was last year, we have spared to us 150 bucks and about 420 does, or 570 deer in all. The majority of does give birth to two fawns, so that I think an estimate of one and one-half fawns to a doe for next year would be fair and reasonable. Six hundred and thirty fawns added to 420 does and 150 bucks will give us 1,200 deer to start with next Fall, that we would not have had under the old law. This seems to be a good showing and one that would justify a continuance of this law, were its sole and only object to preserve and increase our deer; but as the chief purpose of this act was the preservation of human life and limb this addition to deer life in the State is only incidental.

I take pleasure in reporting to you, that I have not, up to this time, heard of the killing or wounding by deer hunters either accidentally or otherwise, of one single individual in Pennsylvania during the past season. I have heard that in two of our northern central states, Michigan and Minnesota, I think, something like 30 men were killed and more than that number wounded during the same period by deer hunters. This comparison speaks for itself. What the total number of killed or injured in the United States from this cause will aggregate remains to be demonstrated.

I understand that nearly, if not quite as many bear as deer were killed in the State this fall and also that there is considerable feeling in some sections of the State regarding the law giving protection to bear. I find first among these objectors the man who desires to kill everything regardless of consequences. Next appears to come the timid man who believes the fake stories he reads in the newspapers. Next comes the man, whom I think does not understand his subject and who believes the black bear of Pennsylvania to be a fero-

cious and most destructive animal. My own experience and what I have been able to gather from many hunters lead me to believe that this is not the case. The weight of the combined evidence at my hands causes me to consider the bear more timid and shy, than even a deer and satisfies me that upon the approach of human beings it will run more quickly and much further than will a deer or any other wild animal found in our forests. I have yet to meet one individual who would testify under oath that he knew of a single instance in which a black bear had, in this Commonwealth, without provocation attacked or injured human beings. There, of course, are instances where they have been compelled to put up battle for their lives or liberty. An old hen, or a mother grouse, or any little wild bird will defend its young. A rabbit will sometimes bite the hand that it taking it from a box trap. Some bear may kill sheep or pigs. They may destroy some growing crops, but in my opinion the cases are so isolated as to amount to nothing. Some dogs will also kill sheep, and I firmly believe that dogs are really to blame for nine-tenths of the wrongs that are now charged to the bear.

Some years ago I had occasion to collect data relative to the value of sheep killed by dogs in this State. The aggregate from fifty-seven counties in the State, as I remember it, footing up to something like \$65,000 for one year, and in the neighborhood of \$69,000 in another year. There were but few bears in the State at that time and no claim had been made in any instance that bears were to blame. Some of these same counties are now charging the killing of their sheep almost exclusively to the bear. From some of these counties at that time I received word that sheep could not be raised, owing to the depredations of dogs. From one I received word that their dog tax did not begin to meet the claim made for sheep killed by dogs. No one seemed to blame all dogs for the wrongs done by one dog, or to consider the extermination of the entire family of dogs necessary. The sport and recreation derived from hunting bear far exceeds that of hunting deer and the value of the bear, when taken far exceeds the value of the deer.

We have had two or three prosecutions in this State during the last year, since the passage of the law, for the killing of bear contrary to the provisions, wherein the defence of person or property was plead in justification. In one case the defendant swore he was out fox hunting and the bear, without provocation, attacked him, compelling him to shoot in self-defence. The jury acquitted. Since the trial I am in receipt of several letters upon this subject. One man writes, "I can produce several witnesses who say the sons of this man scared the bear from its bed, that they followed on its tracks for some little while and then returned to their home where

they told their father of what they had seen. The father refused to believe the story until he was shown the tracks. A piece of lead water pipe was then cut into pieces and the gun loaded for bear. The animal was followed for about eight hours, when a shot was secured at about seventy-five yards and the bear seriously injured. Night overtaking them, the party returned home, taking up the trial again in the morning and following the same for about five additional hours. When the poor exhausted animal was found behind a log almost unable to rise and was killed in self-defence."

Another, where a man saw a bear in the woods, sent home for his gun, which was brought to him after some considerable time and the bear killed. When arrested he defended upon the ground that a bear had killed some of his sheep at sometime and at some place in that country and although there was no connection of the killing of the sheep with the bear in question, he claimed the right to kill simply because it was a bear. The justice in this case convicted the defendant and the matter is now before the court for adjudication. People have been known to attempt to excuse the killing of chimney swallows and bats, because they were supposed to breed and carry lice and bedbugs. One man near Harrisburg, last spring, killed a dozen or more robins, because he thought the birds were pulling up his cabbage plants. An examination showed the presence of wire worms around each plant in numbers ranging from 15 to 45 by actual count. These worms had destroyed whole rows of plants and whole sections of the patch, according to the character of the ground. The robins were simply casting aside the cut off plants and attempting to reach the wire worms. Yet the Grand Jury of Dauphin county ignored the bill and set this man free.

THE AUTOMATIC GUN.

The new act forbidding the use of the automatic gun for the purpose of killing game in this Commonwealth seems to be a law in the right place and is a very necessary and beneficial measure. It takes the power to kill out of the hands of many people, who are controlled only by their ability to slaughter. The claim that the daily or weekly bag limit is all that is necessary to secure good results, I know and you know to be a farce. In many instances a measure extremely hard to enforce and one little respected by many hunters. The chief opponent to this bill is the man who has guns of this character to sell and who wants all the profit that can be secured regardless of consequences in the future. There are men in every community, who claim to be gentlemen and sportsmen, who even under present conditions kill everything possible, so long as they see avenues of escape from punishment to them as individuals.

sult of their work in the extermination of game or of injury to coming generations receives no consideration at their hands. For instance I have had reported to me this fall that one man in the neighborhood of Harrisburg had boasted that he had wiped out an entire covey of quail, killing the last bird. This covey was the progeny of the quail imported by the Game Commission at the expense of the State from Alabama; and demonstrates what such men will do when they have the power to do it.

GAME PRESERVES.

The three game preserves that have been created under the provisions of the act of 1905, appears to be serving the purpose intended, that of providing a haven of refuge, into which game and birds of all kinds protected by the laws of this Commonwealth can retreat and can find peace and rest at all times. We have carefully guarded these retreats during the past season and I am pleased to say, that I know of no violation of the law relative to these inclosures. Many men who had first opposed the setting apart of these sections under the impression that they would be used as private hunting grounds for politicians and their friends are now satisfied that the provision forbidding any and all men to hunt thereon means just what it says and that the Game Commission will surely see to it, that all offenders, no matter who they may be shall be prosecuted. In my opinion there is no better way of increasing the game conditions in the State than by this method, and I think the number of preserves in the Commonwealth should be increased as rapidly as possible. I am satisfied much better results can be secured through the restocking of areas, such as are now authorized and where absolute protection is given throughout the entire year, than can be secured through breeding parks or preserves, in which game of various kinds might be raised in captivity for later distribution, or through the purchase of game from the outside, or in any other way. I am satisfied that game of almost every variety will breed to better advantage in a wild state than in captivity, and that if it is protected from vermin through the method recommended in the circular "Save Our Birds" before referred to and from man through a conscientious enforcement of the law, a reasonable increase is sure to follow. Inclement and unseasonable weather will of course affect the breeding of game in captivity, quite as much, if not more, than in its wild state, while disease is much more apt to lay its blighting shadows on animals or birds in confinement, than where they are restricted in no way. So far as I have been able to learn, the attempt to rear ruffed grouse or quail in captivity, has not been crowned with any very great success, and that better returns are secured through the methods we have adopted.

USE OF DOGS IN HUNTING.

I am satisfied that very many more people are taking an interest in athletics and in sports, and game and wild-bird protection, and in hunting, than ever before, and consequently there is a very great increase of ideas upon these subjects. One of the new ideas that is brought to my attention, at least weekly, and I might say almost daily, is the idea that it is entirely wrong to permit the use of dogs of any kind in the hunting of birds, either turkeys, or woodcock, or grouse, or quail, or any other game bird. The originators of this idea claim there would be plenty of birds of these varieties were it not for the sportsmen with dogs. The man who has that idea claims the use of that animal in hunting, especially wild-turkeys, ruffed grouse and quail, as outrageous and just as much a wrong as is the use of dogs in hunting deer. He claims that the dog invariably locates the covey, that would be almost invariably passed by the hunter without a dog, and that through the help of a dog it is possible for the sportsmen to start and kill every bird of a bunch, that has been raised and scattered. Instance after instance is cited where the pot hunter and his dog kills every bird in the bunch, that he may locate, going day after day, if necessary, until that feat is accomplished. The man who uses a dog for this purpose usually advances as his strongest argument in justification, the assertion, that his chief pleasure is in seeing his dog work. He does not care for what he may kill, but does enjoy following and watching his dog, just as many men enjoy driving fast horses, just as many men and women enjoy a day at the races and delight in seeing horses in action. So he derives pleasure from a day afield with his dog. His second reason frequently is that many wounded birds are recovered through the use of a dog, that would otherwise be lost, thus unwitting admitting the claim of his opponent, that many more birds, wounded or unwounded are discovered through the use of a dog than without one, and that many more birds are bagged because of the dog than would be secured without one. I am at this time simply calling your attention to this subject because I firmly believe that more than one bill will be presented to the next session of the Legislature upon this subject.

ENFORCEMENT OF THE LAW.

I take special pleasure in stating that beyond question the game laws of this Commonwealth are better observed than ever before. Not alone because of the efficiency of our Protectors, the splendid showing of some of whom as made by their monthly reports and recorded in this office, to which I desire to call your attention, but because of the help we are receiving from people not immediately connected with our office.

STATE CONSTABULARY.

The very greatest help we have had from this direction has come from the State Constabulary, and I desire to here call attention to their efficiency. This force appears to be to a man constantly keeping its eyes open for violations of the law protecting game and wild birds. Every request from this office for help has been promptly honored. Men have been detailed to investigate charges made and to police territories that I found it impossible to cover. Numbers of arrests have been made by the State Constables for violations of the game law, especially among the unnaturalized foreign born element within our borders, who as you know are disposed to be utterly regardless of law on any subject, but who are learning to respect our laws more, because of the splendid work done by this force of Constables than for any other reason. It seems to me that every person in this State truly interested in game and wild-bird protection, and especially the observance of the provisions of section one of the act of June 4th, 1897, that prohibits hunting on Sunday, should insist upon at least the doubling of the number in the ranks of our State Constabulary. In my last year's report I cited the fact that during the year of 1906, fourteen men were shot at, seven shot and four killed by foreigners, with not one of the perpetrators of these outrages punished. I do not at this time know of the wounding of one of our officers during the past year. None have been killed and while some have been shot at the shooting was at long distances, and in my opinion intended more to notify the officer that the pursued was armed and to thus intimidate him, than to injure or to kill. This changed condition in my opinion is largely due to the creation of our State Constabulary and to the unhesitating, determined and persistent pursuit of wrongdoers of all classes, by members of that force. And especially is that the case with the unnaturalized foreign born element. My search after the murderers of some of our protectors has led me into some queer places and brought to my knowledge the fact that many of these people were criminals at home; that they were criminals here, and hesitated in the commission of wrongs and acts of violence only because they feared the strong hand of the law. These people are organized to defend one another, no matter what the offense, still they are learning that the proposition of resisting a State Constable differs somewhat from that of wounding or even killing a poor unfortunate game protector, who had no friends, and whom the Commonwealth refused or neglected to support in his work or to defend. The benefit to this cause, great as it is through the creation of this Department of State Constabulary, is but an item, and a small one at that, when compared with the aggregate of good accomplished by

these men in this Commonwealth; would be pleased to see a detail of at least twenty men of this force quartered in every one of our counties. The expense necessary to the maintenance of such a force would be but slight; after deducting the excessive amounts that are now paid out by almost every county of this Commonwealth as costs in securing the conviction and punishment of people classed as unnaturalized foreigners. Many of whom would not violate any law if they knew punishment was sure to follow.

The work done by the Department of Forestry in the prevention of forest fires and the protection of wild birds and game on the lands of the State deserves favorable mention at my hands. They are surely doing good work.

The game laws, as they now stand, while not perfect seem to me to be reasonably fair and just, and I have no changes or alterations to suggest at this time. I herewith attach photographs of two buildings we have erected as quarters for our guards. The one at Kennedy Park, Clearfield county, and the other at the C. B. Penrose preserve in Clinton county. The men in these camps are not only game protectors, but are also instructed to aid in every way those connected with the Department of Forestry, to fight forest fires, to report injuries to grown timber or any other violation of the rules of that Department.

There were 435 permits issued by the Department of Forestry to men desiring to hunt on State lands during the open season for deer just past, averaging about seven men to the camp, or 3,045 in all. Fully one-half of that many men or 1,522 hunted on the same territory without camping, going from their homes and returning each day, making a total of 4,567 hunters on State lands this Fall. I think it perfectly fair to say that at least an equal number of men hunted for deer during the same time on lands not owned by the State, making a total of not less than 9,000 men who hunted deer in Pennsylvania during the fall just passed. In addition to this more than 100,000 men hunted for small game in this state during the same open season. What the value of this outing may mean to each one of these men I am unable to say. That they consider themselves benefited is proven by the fact that the same men go hunting repeatedly and that in every camp almost you can find the same men that were there last year, and will be told stories of each year's hunt from that camp as it has come and gone for five or ten or twenty or more years. I am satisfied many more men would go hunting if game were plentiful.

We see everywhere play grounds and parks being created or extended, or beautified by the planting of trees and shrubs and flowers, the laying out of walks and drives, the building of bridges and good

roads, the expenditure of tens of thousands of dollars for the purpose of restocking our streams with fish; all kinds of improvements and betterments for the public good, each an incentive to outdoor life, to recreation, to better health, and better citizenship. Why should the State not contribute fairly to the pleasure as well as benefit of its sturdy citizens, who wish to take their recreation in the fields or in the woods with their guns. It seems to me that the State should contribute fairly to this purpose, placing deer and wild-turkeys and other game on State lands adapted to such game, and where none is found to-day. There are vast tracts of State lands of this character to be found; and I feel that at least one preserve should be created or purchased where deer could be bred for distribution throughout the State.

I am informed that there is a splendid game preserve, the exact extent of which I do not know, but in the neighborhood of 700 or more acres, surrounded by a well built, substantial fence, and in which in the neighborhood of 150 or more deer have recently been placed in this State, that is about to be abandoned or destroyed. It seems to me that the Game Commission of Pennsylvania should at least have one plant of this kind, in which they could raise deer for distribution in those sections of the State, where no deer are found at this time; and I would suggest that a committee be at once appointed to investigate this rumor and to arrange for the purchase of this property, if that is possible. It seems to me that this commission and the sportsmen of the State are entitled to that much at the hands of the State. If the recent hunters' license bill as introduced in the last Legislature had been passed, there would have been no trouble, even at this time in buying this property at a reasonable figure. There is every probability that this bill will be passed by the next Legislature, and even if it is not, it seems to me only fair and just that an appropriation should be made for this purpose. I give you this as a matter of information and as a suggestion.

HIGH POWER GUNS.

I am in receipt of numerous complaints concerning the dangers arising from the use of the high power guns. The arguments being that because of the thick under-growth in Pennsylvania, the hunter is not often able to see game or secure a shot at a greater distance than that at which black powder would be effective, and that, therefore, the use of a high power gun is not necessary. While we have been to a great extent relieved of danger to human life through the passage of the law compelling deer hunters to look before they shoot, there is still serious danger threatened by the use of this

gun, and it should be prohibited in Pennsylvania. I give you this also as a subject under discussion by hunters and one upon which there may possibly be bills presented at the next session of the Legislature.

FINANCIAL STATEMENT.

I desire to call your attention to a peculiar situation surrounding the financial conditions of this Commission. As you know, during the last administration we had occasion to use money to a very considerable extent,—first, in the defense of one of our men, who had been arrested for murder; and second, in attempting to discover the men who had murdered several of our officers. You understand the situation, so that I need not at this time dwell upon that point any further than to recall to your minds, that Governor Pennypacker directed us to use our utmost endeavor to discover and punish those, who had murdered our officers, and that the method adopted had been passed upon by the Attorney General at that time. We were given to understand that the coming Legislature would surely take care of us from a financial point of view in the matter. Nothing whatever has been done by the State to help us along these lines. The sources from which we derived revenue and hoped to pay these claims, namely, fines, penalties and licenses, has been taken from us and diverted to the use of the Commonwealth. Nothing was appropriated to take the place of this fund for this purpose. Even moneys, that under the then existing law in my opinion surely belongs to this Commission, and to no one else in the State of Pennsylvania, has been taken from us; and we have been deprived of this through the ruling of the State Treasurer of this Commonwealth. For instance, laws prior to the act passed by the last Legislature of 1907, provided that all penalties, where they were collected by a paid officer of this Commission should be returned to the Secretary of the Game Commission, and by him deposited in the State Treasury for the use of the Game Commission. One-half of all penalties collected by other persons than paid officers came to the State Treasury for the same purpose. The law distinctly stated that the State Treasurer should hold the same as a fund separate and apart for the use of the Game Commission, to draw out only upon warrant signed by the Auditor General and the President of the Board of Game Commissioners. The fact that we were doing a work that would require more than the usual amount of money and at a specified time, caused me to be careful of the fund in the hands of the State Treasurer and to husband it as I thought for the best interests of this Commission, so that when the demand was made we would have a fund from which to pay the claims before mentioned.

I, heretofore, have drawn upon this fund about once in a year. When I attempted to determine the amount that might be in the hands of the State Treasurer this year, I was told that nothing remained in the hands of the State Treasurer to our use, as the same had reverted to the use of the Commonwealth on the first day of June, 1907. The State Treasurer, through his cashier, refused to even give me a statement of the amount that had come to him collected for the use of the Game Commission. In this manner we have again been deprived of a sum of money in an amount I am unable to state. One that was collected under a specific provision of law and deposited with the State Treasurer for the use of the Game Commission. What can be done in this matter I am unable to say.

I desire to call your attention to the increased work in this office, and to the fact that no additional assistance has been secured, and that no increased remuneration, has in any way been advanced to those who do the work. I can cite you numbers of instances wherein clerks in different Departments in this same building, coming in at 9 o'clock and going away at 4 o'clock receive a return of at least \$100 a month, doing little while they are there, while the Assistant Secretary of this Commission, I am satisfied, does more work than two or three of such clerks, and receives less pay than any one of them. This does seem to me to be a wrong that should be righted in some way.

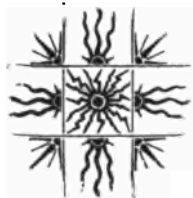
I herewith attach a correct and full statement of our finances, all of which is respectfully submitted.

Secretary of the Board of Game Commissioners.

FINANCIAL STATEMENT.

From June 1, 1907, to December 1, 1907.

To first quarterly allowance on general appropriation,	\$3,000 00
Penalties and costs collected and returned to this office,	2,319 05
Certificates and licenses coming to this office, ..	69 00
	<hr/>
	\$5,379 05
By warden services and expenses,	\$1,635 61
Office expenses,	723 12
Attorney fees,	201 00
One-half penalties returned to informers,	820 00



1909



Penna. State Library

ANNUAL REPORT
OF THE
GAME COMMISSIONERS
OF THE
STATE OF PENNSYLVANIA,
ALSO A REPORT OF THE
CHIEF GAME PROTECTOR
TO THE COMMISSION
FOR
THE YEAR 1908.

HARRISBURG, PA.:
HARRISBURG PUBLISHING CO., STATE PRINTER.
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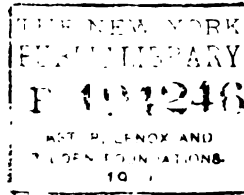
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REPORT

OF THE

BOARD OF GAME COMMISSIONERS.

To His Excellency, Edwin S. Stuart, Governor of Pennsylvania:

Sir: In compliance with the act of June 25, 1895, creating the Board of Game Commissioners of this Commonwealth and prescribing its duties, we herewith respectfully submit to you our report of work done through and under our direction during the year intervening between November 1, 1907, and November 1, 1908; and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us, and from a personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds, classed as wild birds other than game birds are increasing in this State, and the benefit to the Commonwealth from this increase from an economic point of view is most marked.

Game birds appear to have increased very materially in many sections of the Commonwealth. Ruffed grouse are more plentiful than the apparent scarcity of old birds last fall and spring gave promise of.

Turkeys have had a good hatching season, and in sections of the State, where they are found at all, are more plentiful than usual. Quail appear to have increased all over the State and in some sections appear to be quite plentiful. There is no doubt whatever

about the very material increase of deer, and bear and rabbits, in that territory, whereon they are located. Through this increase of game, we feel that an incentive to outdoor exercise and recreation is supplied that cannot be secured through any other process. An experience in camp life, and in handling and caring for fire arms is secured that is of very great worth to our citizens, who indulge in hunting, through which they, as individuals, secure better health, and are therefore, better fitted to fill the place allotted to each in his respective community. These things together, better health, and therefore, better citizenship, joined to experience in camp life, and in the handling of fire arms, appear to us of great value to the State and to the Nation, as they surely raise our standard of defense in time of trouble, in the shape of war, either from within or from without—far above that of any people who do not hunt. We feel that the presence of game is of great value to the State, and that hunting is a necessary adjunct to our National success, and that, therefore, the State owes it to itself to provide some method, whereby game can be increased, either through additional protection, through the raising of game of different varieties in captivity for distribution, or through its purchase for the same purpose from those who have raised it in captivity.

We endorse the idea of a codification of our game laws, so that all may be placed under a single title, and the elimination of many laws now found upon our books, that tend more to perplex and annoy hunters, than to benefit the cause of protection to our game. We believe in making these laws plain, clear and direct, and insofar as possible subject to a single interpretation only. We recommend the passage of an act of this character by our coming legislature.

We believe that the game season, as now found upon our books, because of their early date in this Commonwealth are not suited to many sections of our State, and are not in accord with the ideas of the great majority of our hunters. We believe that the danger of forest fires in the early fall is a serious menace to the effort now being made to reforest our State, and for these joint reasons think the season for the taking of all game, excepting wild water fowl and shore birds, should open on the first day of November, and should close not later than the 15th of the December following in any case. In the majority of cases we feel that an open season covering the month of November is sufficient. Through this shortening of the season we believe our game will be increased in sections where at present such game is found at all. We recommend the passage of a law of this character.

We call your special attention to the facts as they were developed at the trial of Rocco Racca, the Italian tried and convicted last Sep-

tember at Newcastle, Lawrence county, for the murder of Seely Houk, one of our Game Protectors. From these facts it appears beyond a reasonable doubt, that the organization of ill-repute, known in Italy as the Mafia, and in America, as the Black Hand, has secured a lodgement upon our shores, and that while these facts come to you through us, because of the killing of one of our officers, they are nevertheless of deep and vital importance, and affect not only this Board, but the welfare of the entire Commonwealth and of the Nation. From the facts produced, it appears this organization is formed for mutual protection, that its members are sworn under pain of death, to protect and defend and assist one another in all things; and that this protection extends to and covers even those charged with the commission of murder. From data we have been able to collect relative to action upon the part of that class of residents within our State known as the unnaturalized foreign born resident, not only to kill our game and song birds at all times without regard to our laws, and their disposition to resort to acts of violence in the settlement of trivial disputes and controversies, which said disposition is a most serious menace to the peace and happiness of every community of this Commonwealth, wherein these people reside, and is extremely expensive to those of us who are native born or naturalized residents, upon whom the weight of taxation falls, we feel that the power to do evil as far as possible should be taken from these people, and that the bill presented under our direction to the Legislature of 1907, through which the right to even own or be possessed of a gun in this Commonwealth should be denied the unnaturalized foreign born resident, should be again presented to our Legislature, and every effort possible in conformity with right and justice be exerted to secure its passage.

We feel that the cause of game and wild bird protection is of the utmost value to every individual, and every community in this State, and is deserving of generous support at the hands of the Commonwealth; and that the appropriation given to the Board of Game Commissioners should be increased to meet the demands made upon them in the line of protection through the enforcement of our laws, and that in addition to this appropriation for this purpose an amount of not less than \$20,000 should be made for the purpose of purchasing new varieties of game, that would be adapted to our climate, of setting apart additional game preserves, and of restocking our State with game from whatever source might be the most available.

We believe the appropriation made by the last Legislature for the purpose of paying bounties on obnoxious animals was well ex-

pending, and recommend the passage of a second act upon this subject carrying with it additional appropriation for that purpose.

We call your attention to the financial statement as made to us by our Secretary.

Respectfully yours,

JAMES H. WORDEN,
President.

C. K. SOBER,
WM. HEYWARD MYERS,
C. B. PENROSE,
JOHN M. PHILLIPS,
ARTHUR CHAPMAN,
Board of Game Commissioners.

REPORT
OF THE
CHIEF GAME PROTECTOR
TO THE
GAME COMMISSION
OF THE
STATE OF PENNSYLVANIA FOR 1908.

Harrisburg, Pa., November 1, 1908.

To the Honorable, Board of Game Commissioners of Pennsylvania:

Gentlemen: I herewith submit my report to you of the work done personally and by those under my direction, during the time intervening between December 1, 1907, and November 1, 1908. This report considers only the work done by the Commission through its officers.

I take special pleasure in making report to you at this time of conditions relative to both game and wild birds other than game birds and to make suggestions relative to recommendations by the Board of Game Commissioners pertaining to changes in the game laws of this State, that I am confident have the approval of the great majority of all people, no matter whether they be hunters or not, and that would not have been approved, even so short a period as one year ago. In this particular, I refer especially to the feeling I find everywhere manifest of giving additional protection to all wild birds other than game birds, because of the value of their life work and also of shortening the open season during which game birds or game animals may be killed, also making that open season as uniform as possible.

Up to two or three years ago at the outside, the general idea entertained by the public regarding the work of the Game Commission, was that, as its title seemed to indicate, it was composed solely of sportsmen, whose chief objective point was to increase the different species of game found in the Commonwealth for the benefit and pleasure of other sportsmen and for no other purpose. Many of our people have already learned that this is not the purpose of the Game Commission or of the sportsmen who are aiding and assisting us in our work. Many of our people have already learned that the idea they had first formed regarding our work and their first impression that our purpose was to increase said game to facilitate its killing was incorrect, and was but an incident to the far greater work of protection to our birds of all kinds, game as well as other birds, because of the value of their life work—a value that cannot be expressed in words or figures. Many of our people have already learned—some of them through unpleasant experiences of having been compelled to pay for violating our game laws—that it is as much the duty of this Commission to see to it that our officers go as far to give protection to a blue bird, or a robin, or a wren, as they would to give protection to a wild turkey, to a deer, or to any other species of game. Many hunters of the State and others from outside the State are also learning to understand that this Board was created for protective purposes, and it not a bureau of information to those who desire to know where game can best be found. Many of our people are learning to understand the value of bird life, to understand what that value means to each one of us to them as individuals, to the State and to the Nation, with the result that a far better feeling exists to-day regarding the Game Commission and its work, than ever before in the history of Pennsylvania; and as a consequence of this feeling legislation can be secured to-day that would have met with the most serious opposition a short time ago. The Secretary of Agriculture at Washington estimates the loss to growing crops in the United States through the ravages of insects at more than \$400,000,000 annually. Prof. Surface, our State Economic Zoologist tells me, that in his opinion this world would not be inhabitable by man at the end of twenty years, because of the ravages of insect life, if such insects were not curbed in some way. Dr. W. T. Hornaday, one of the great Naturalists of the world, and Director of the Zoological Park of New York City, among other things says: "It will indeed be a sad day for the American farmers, when the last insectivorous bird is brought dead and fluttering to the ground. Then will he, if never before, realize the value of the allies he has lost. When the hundreds of millions of insects multiplied by hundreds of millions advance unchecked, then will be, if

never before, be willing to exchange any quantity of fruit or berries for one single pair of the much despised robin, or catbird, or other birds, gone forever."

Dr. Warren, one of our ex-State Zoologists says: "The great majority of our birds feed their young entirely upon insect life, and asserts that the young birds of these kinds consume daily a quantity of animal food, equal in amount to its own weight. To illustrate let me say: Pennsylvania in round numbers contains 28,800,000 acres. Place but a single nest containing four young birds upon each acre. Say that each bird weighs but one-half of an ounce, making two ounces of insects consumed to each acre, one pound to every eight acres, one hundred pounds to 800 acres, one ton to 16,000 acres. This amount goes into 28,800,000, the number of acres contained in Pennsylvania 1,800 times. In other words it requires 1,800 tons of insects at this rate to feed the birds of Pennsylvania one single day. Think of it. One can readily understand what is meant, when the assertion is made that this world would not be inhabitable within a limited time were insects not curbed in some way. Not one person, I believe, attempts to claim that birds alone are responsible for the destruction of insect life. Nor that to them alone do we owe the right to exist in this world. We do attempt to claim, that the work of our birds goes a long way toward maintaining the balance between vegetation and insect life and that it would be hard, if not absolutely impossible to maintain this position in any other way. Those who have made a study of birds tell us, each order, each family, each division of the bird world is doing a work in a place peculiar to itself, a work that it was especially created to do, and that is not done to any great extent by any other bird. Some birds live and do their work upon the ground. Some live almost exclusively in the trees. Some spend their time in and around the waters, some in the open fields, some in the dense thicket and some spend the greater part of their time upon the wing, and feed entirely in the air. Each one in its place doing the work that no other bird attempts to do or can do.

For instance, the night hawk or bull bat lives almost entirely upon the wing and consumes vast numbers of flying insects harmful to man. It does no harm in any way, not even destroying a single blade of grass, or a feather, or a hair in building its nest, for it builds no nest, but lays its eggs on some hard bare warm surface, such as the top of a rock, or a bare spot on high ground, or on a tin roof of a house. The swallow, the martin, and the fly-catcher feed almost exclusively on the wing. Each of them takes and destroys vast hordes of flying insects harmful to human beings. Woodpeckers, excepting the flicker, take the majority of their food

upon the sides of trees after vigorously tearing and casting aside pieces of bark or wood under which insects have taken refuge. The greater part of the food of the flicker is taken upon the ground. This bird being the most terrestrial of all woodpeckers, takes the majority of its food upon the ground, and in many instances this food is composed of ants. These last named insects doing a work harmful to mankind that is understood by but few of our people. I am told the ant is the great protector of the plant louse, an insect whose life work results in a loss to agriculture that cannot be correctly expressed in words or figures. The ant carries the egg of the plant louse below the frost line in winter time. In spring he brings the young louse out and places it upon the plant, carrying it from point to point on the plant, as the strength of that plant is consumed, getting in return from the louse what is called honey dew. Just as the farmer keeps a herd of cattle for their return of milk, so the ant keeps a vast herd of plant lice for the returns they give. When ants are destroyed the plant louse either falls a victim to its natural enemies, or dies of starvation, it being almost incapable of locomotion. The special work of the cuckoo and the Baltimore oriole seems to be the destruction of the caterpillar, especially the kind known as the hairy caterpillar, and when these insects abound the stomachs of the cuckoo and the oriole appear to be covered with a hairy growth, which in fact are the hairs found upon the caterpillar, that have penetrated the lining of the stomachs of these birds, and remain thus fastened until the juices of the stomach have digested them—a condition that in any other stomach, either bird or man, would surely cause inflammation and death. The dove, the robin, the meadow lark, and many other birds, even the humming bird do a special work in its own peculiar place. invaluable to man. that is not done to any great extent by any other bird. Many of our people are learning or have learned these facts and as a consequence are giving protection to our birds to a degree never accorded them before.

PUBLIC SENTIMENT.

The destruction of birds' nests and the killing of wild birds other than game birds through the use of various methods formerly practised by the small boys has almost been abandoned. The killing of birds of this same class by irresponsible men and half grown boys through the use of guns to a great extent been done away with, simply because they know public sentiment does not to-day endorse such procedure. Many people who a few years ago never gave the question of bird protection so much as a fleeting thought are now taking an active interest in bird preservation, thereby making pos

sible the punishment of offenders, that formerly and without this change of feeling could not have been accomplished. I feel perfectly safe in saying, that without public sentiment behind our work, that work will surely be ineffective and go for naught. With reasonable, fair and just laws upon our books relative to these subjects, and a fair, reasonable and just enforcement of the law. We have the tacit endorsement of every fairminded citizen of the Commonwealth, and the active positive help through words and deeds of many individuals in every community, that we would not have, and could hope to secure in any other way. How to draft laws bearing upon the subject of game protection that will be reasonable and just to all sections of the Commonwealth has heretofore been a most perplexing question. Our State is so formed and so located, that vegetation in the spring time starts fully ten days earlier on the southern tier than in the northern tier of counties, and the reverse has been about the rule of the fall. Our Constitution forbids special or sectional legislation. One law must apply to the entire State upon each subject. In giving absolute protection as in the case of song and insectivorous birds there is no trouble, but in matters pertaining to an open and a closed season for game, especially where the game in question is migratory, as for instance is the woodcock, the proposition is quite different. It does appear to me though that sportsmen are much more nearly agreed upon a uniform season to-day than ever before in the history of this Commonwealth. They are united upon the proposition, advanced years ago by this Board, that it was wrong for many reasons to allow the hunting of birds after the ground is covered with snow. And because of the disposition of many men who hunt to kill whatever might be found, while they are hunting, it was thought best to close the open season for game of all kinds at one and the same time. Many sportsmen who believe in protection and preservation are advocating the idea of shorter seasons for all game birds and an absolute uniform season for such game birds as are not migratory, such as the ruffed grouse, the wild turkey, and the quail, also for all animals, classed as game in this Commonwealth. The great destruction of our forests, as suffered this fall through fires has also brought the thinking sportsman to a consideration of the question as to whether or not the value of woodcock, or the right of any man to hunt anywhere in Pennsylvania at a time, when through but slight carelessness or negligence fires would be probable, could be weighed in the balance as against the loss to all the people of the State through the ravages of forest fires, though the destruction of game, as well as of growing timber, has brought them to the consideration of the question as to whether or not for the single purpose alone of keeping

hunters out of the woods as much as possible, thereby lessening the possibility of forest fires, it would not be well to limit hunting to such a time as the leaves in all probability will be wet from fall rains, and fire be almost impossible. Whether or not the question of forestry preservation does not outweigh all other questions connected with hunting, and that it would be well for this reason, if for no other to make the season for all game found in our fields and forests uniform and to open that season upon the first day of November, extending it if necessary to the 15th of December, if the month of November alone be considered too short. The codification of the game laws of this State, placing every provision of our law, relative to this subject under a single title is very strongly advocated in various parts of the Commonwealth. A measure of this kind has already been considered and passed upon by the organized sportsmen of the State, and is herewith presented to you for consideration. The only difference between my ideas as before set forth, and this bill being that the season for certain game, namely the woodcock, squirrel and ruffed grouse, is opened on the 15th of October instead of the 1st day of November. I endorsed this October idea last May, because of what I considered fairness and justice to sportsmen residing in our northern tier of counties but the terrible destruction wrought by forest fires since then has led me to endorse a later and uniform season for all game that is found in our forests.

WILD BIRDS OTHER THAN GAME BIRDS.

Wild birds other than game birds have very materially increased during the past year. This fact is so evident that I need not dwell upon it.

GAME BIRDS.

Upon this subject I am able to make more favorable report than was made at this same period last year. Ruffed grouse appear to have increased materially this summer, as have wild turkeys and quail. In almost every section of the State I have had occasion to visit I have seen large flocks of domestic turkeys. The presence of these birds to my mind being a sure indication of favorable conditions during the spring and early summer, not only for these birds, but for all ground nesting birds. Weather favoring the hatching and rearing to maturity of the ordinary domestic turkey is beyond question favorable to all other birds. Another factor resulting in benefit to our bird life as well as game is the destruction of vermin, such as weasels, minks, wild cats and foxes, brought about through the passage of the Kiess Bounty Law and the intelligent work of

the many agents of this Commission and many sportsmen. Also the absence of forest fires in the spring time. Data collected from many parts of the State shows the presence of ruffed grouse in numbers. The very generous increase of wild turkeys in sections where they found at all, and the presence of quail in localities and in numbers that has led to considerable arguments and discussions regarding the disposition of the quail to migrate from one section of this country to another, as do the woodcock. Quail have appeared this spring in sections of the State, where no such birds have been heard or seen for several years. The number in which they have appeared has led to the question, Where do they come from? And is it not possible that quail migrate long distances, as do some other birds? When this Board introduced quail from Alabama three years ago I was frequently told by men who claimed to have had extended experience, that my efforts were labor lost; that the birds imported will surely disappear with the coming cold weather. In some instances this was the case, while in others the birds released, with their increase, stayed right where they were placed. They have continued to so stay, and increase and have spread so that to-day quail are found in territories where no such bird was found for years prior to their importation by this Board. In some instances I admit they did shift from one section to another section of the State sometimes travelling miles, but I am not convinced that they ever migrate in the true sense of that word. I desire at this time to call attention to the well known fact that but few states, now permit the exportation of quail for any purpose and that quail everywhere seems to be scarce and the prices are high. That, therefore, it is, to use a common expression, up to us, to preserve our own birds, if we hope to have any in the future. I have, therefore, issued a circular, upon this subject, entitled "Save Our Birds," a copy of which I herewith attach, recommending the trapping of and caring for quail during the winter months with the best methods in my opinion of doing this profitably and of securing the best results through their release in the spring time.

BOUNTY LAW.

I sincerely believe that no law found upon our statute books has done more good for the cause of game and wild bird protection than the bounty law, passed by our Legislature in 1907. The passage of this measure in my opinion having been made possible only by the energetic actions of Mr. Kiess of Lycoming county, who introduced this bill, and I sincerely hope it may be at least renewed, if

not doubled in the amount of appropriation it carried for that purpose. I have among my acquaintances and among the many citizens of this State who are helping to maintain the laws relating to game and wild bird protection, a gentleman, a resident of Freeland, Luzerne county, who has made a special study of the weasel and its habits, and who during that study covering a period of some twenty years or more has captured and killed something like two thousand animals of this kind. He tells me many things, that I never read of and never before heard of from any source. In Natural History I read that the weasel is an animal in many instances disposed to kill wherever it may be possible, simply because of its love to slaughter. Mr. Malloy tells me the weasel in every instance kills because it is hungry. He says, he has known of instance after instance where domestic fowls, chickens or ducks, turkeys, &c., have been killed in numbers ranging from two to three or twenty or more by a single weasel during a single night. That in very many instances all the blood was drawn from the body of the fowl killed and that within a limited time after the last killing he had in turn killed the weasel and invariably found the stomach empty. In cases where the fowls were confined when killed he has found in one corner of the coop or pen a pile of excrement, more in the form of coagulated blood than digested matter in slugs about an inch in length, and in circumference about that of an ordinary lead pencil. He tells me the weasel never rests, excepting at its own established home, that he has followed the tracks of these animals for many miles and has never known one to stop outside of its fixed abode, excepting for the purpose of killing. He has known one weasel to kill seven rabbits in a single night and has followed the tracks through the snow back to its established home, finding everywhere along the route these tell-tale slugs of excrement. He says, he has frequently attempted to hold weasels in captivity and has never yet succeeded in keeping one longer than thirty-six hours without food, every one dying shortly after or about that time apparently of starvation. Upon one occasion he caught a weasel in a wire rat trap and speared the animal through the neck with a sharp steel rod, causing it to bleed to death. The creature lapped up its own blood until it fell dead. An examination made within a few minutes after death and while the body was still warm showed that the blood taken into the stomach had already left that organ and was in the intestines, all together going to show the wonderful digestive powers of the weasel, and its destructive disposition, no matter what its reason for killing might be, and showing beyond a doubt that vast numbers of lives of different kinds must be sacrificed to meet the demands of one single weasel alone. An examination of

the claims made upon this fund shows that one man, a resident of Huntingdon county received something like \$1,600 during one year for bounties. Investigation conducted from this office shows that the claim was justly made and that the applicant was entitled to every dollar he claimed. Remember that this bounty was placed upon but four animals and at the following rate: The weasel, one dollar, the mink, one dollar, the fox, two dollars; and the wild cat four dollars. One cannot but be lost in astonishment, when he considers the conditions in a county, where such a taking of scalps could be possible, and in considering the vast number of beneficial birds that were required to surrender their lives to support this crew. If our Naturalists and Zoologists are correct in their estimate of the value of bird life, it seems to me this appropriation of \$50,000 was money well expended, and I feel that the amount should be doubled by the next Legislature, thereby making it possible to cause the killing not only of the annual increase of this class of destroyers, but to make possible also the extermination of the original stock, and to keep it up from year to year until the bounty would be unnecessary. You, of course, understand that this Board had nothing whatever to do with the disbursement of this fund. For my part I consider the manner of its distribution as well planned as it possibly could be, and I call this subject to your attention, simply as a matter of information.

RABBITS AND SQUIRRELS.

As a special result of the killing of weasels, wildcats and foxes, as well as of mink, rabbits appear to be quite abundant all over this State and large numbers have been killed by sportsmen. The arguments made last year against the early opening of the season are still continued and justly so, as it seems to my mind, the rabbit appears to occupy a niche peculiar to itself in the game world, supplying sport, recreation and a fair food supply to man, also serving as a buffer between hunters and game birds, for I am satisfied that the more plentiful the supply of rabbits the less birds will be hunted and the less will be killed.

First, because the majority of men prefer rabbit hunting to bird hunting; and secondly, because the crack of the rabbit hunter's gun and the running of his dog drives grouse and turkey and quail out of the open and into the thick cover, where the most expert shot finds it impossible to kill every time. The rabbit furnishes a food supply for wild carnivorous animals and birds, without which these creatures must turn to something more valuable, either wild or not. I have, for many years, claimed that the more plentiful the supply

of rabbits, the better it is for all game of higher order, and for domestic fowls. The disposition of the rabbit to move at night makes it an easy victim for the night prowler in the shape of foxes and wildcats and owls, and saves many a domestic fowl and valuable wild bird.

Squirrels of the gray, black and fox varieties, are decreasing in many sections of the State and increasing in but few places, more I think because of the destruction of their natural homes through the cutting of our heavy timber than from any other cause. These animals seem designed by Nature to live in trees above the earth, and when compelled through the cutting of our timber to seek other places of abode, either migrate or die. At least, they disappear, notwithstanding the presence of a food supply produced by small timber. Without a place of refuge above the earth the squirrel seems lost.

DEER AND BEAR.

Deer and bear are increasing rapidly. When the bill proposing the limit the killing of deer to a male deer with horns, and which afterwards became a law was first introduced I was opposed to the measure, as I was during the year 1904, at which time in my report to you I stated my reasons for opposing a bill of this kind. I thought that if a measure of this kind became a law it would be very apt to result in trouble to many men who otherwise intended to be honest. That because of the very thick underbrush found in the deer territory, the high bracken and rough country, it would be almost impossible to determine the sex of a deer until the deer had been killed. I preferred the making of an absolute closed season for deer, if protection to that extent was found to be necessary and I at once began a canvass of the Senate and House of Representatives relative to these matters. I also consulted sportsmen and other men who were in the habit of going into the woods during the deer season regarding their thought upon the subject and found that almost without exception the bird hunters, the rabbit hunters, the lumberman, the landowners, and the people generally who desired to go into the woods during the last two weeks of November, including many deer hunters, favored the passage of this measure. They argued that they as citizens of this Commonwealth had just as much right to be in the woods at that time, as had the deer hunter, and that under the then existing law there was not one moment of all that time that the life of any one of them was safe. They claimed that they, as human beings, were just as much entitled to protection as were deer. I found from statistics gathered by the Biological Survey at Washington, D. C., that forty-eight men had

been killed and one hundred and four wounded within the United States by deer hunters during the open season of 1906. I, therefore, refrained from opposing this bill before the Legislature and urged the Governor to sign it when it came before him. I am now satisfied this is one of the best measures ever placed upon the books of Pennsylvania, and consider that we have very many more honest hunters in Pennsylvania than those who are interested in the slaughter of deer would have us believe. I feel certain that no more deer have lost their lives in violation of law since the passage of this act, than would have been killed illegally during the same period had there been an absolute closed season. Some does have been killed, but nothing like the number I anticipated. I am confident the great majority of hunters respect this law. I know from personal experience and from conversation with deer hunters in different parts of the State that the lives of numbers of bucks were spared through the inability of the hunter to see the horns in time, and that hundreds of does were spared. It is of course a new idea and very trying to deer hunters in this State to hold their fire when a fine doe or a deer of any description stands in front of them. Yet this was almost invariably done, and the deer hunters of this State are entitled to credit for so doing. Some few violated the law, some by mistake, some deliberately. Some have already been punished, and more will be made to pay the penalty before the coming next season. From data collected I am satisfied that the number of bucks killed last year did not exceed one-fourth of the number of deer killed during the fall of 1906, and would not exceed two-thirds of the number of bucks killed during that season. I met many hunters who had seen does and young deer last year, but who failed to see a buck with horns. I saw several who saw bucks, but who failed to shoot, because the deer had disappeared about the time they decided to a certainty the sex of the deer. The great majority of deer hunters I have met last fall both during the season and since that time, although frequently disappointed in not securing a deer expressed themselves as satisfied with the law. The feeling of personal security surrounding each one apparently far outweighed any pleasure they might have derived through the killing of deer or any number of deer. I of course met some hunters who were violently opposed to this measure and I noticed that almost without exception the opponents of this law were men who did not realize the value of this act, as a preserver of human life, or a man whose sole desire was to kill, no matter what the result might be to others. Some of them actually giving expression to this sentiment. The number of deer killed in this Commonwealth during 1906 was in the

neighborhood of 800. Of this number, perhaps, 350 were bucks, and the remainder 450 were does. From positive reports received from several counties, not more than 200 bucks were killed last year, or at least during the past season throughout the entire State, and believe I am within bounds, when I say, that not more than thirty does will be found to have lost their lives. I am in receipt of many letters and statements indicating the number of does killed at far above that figure, but have been unable to establish the actual killing of but nine does. If these figures be correct and the same ratio of killing was followed as was last year we have spared to us 150 bucks and about 420 does, or 570 deer in all. The majority of does give birth to two fawns, so that I think an estimate of one and one-half fawns to a doe for this year would be fair and reasonable. Six hundred and thirty fawns added to 420 does and 150 bucks will give us 1,200 deer to start with this fall that we would not have had under the old law. This seems to be a good showing and one that would justify a continuance of this law, were its sole and only object to preserve and increase our deer; but as the chief purpose of this act was the preservation of human life and limb this addition to deer life in the State is only incidental. Still it means much.

I take pleasure in reporting to you that I have up to this time heard of the wounding by deer hunters, either accidentally or otherwise, of but one single individual in Pennsylvania during the past season (1907), and that was a father shot by his son in Monroe county, in direct violation of this law. I have not heard of the killing of anyone in Pennsylvania last year by deer hunters. I have heard that in two of our northern central states Michigan and Minnesota I think, something like twenty men were killed and more than that were wounded during the same period by deer hunters. This comparison speaks for itself. What the total number of killed or injured in the United States from this cause will aggregate remains to be demonstrated.

I understand that nearly, if not quite as many bear, as deer were killed in the State last fall, and also that there is considerable feeling in some sections of the State regarding the law giving protection to bear. I find first among these objectors, the man who desires to kill everything regardless of consequences. Next appears the timid man, who believes the unfounded stories he reads in the newspapers. Next comes the man whom, I think, does not understand his subject and who believes the black bear of Pennsylvania to be a ferocious and most destructive animal. My own experience, and what I have been able to gather from many hunters, leads me to believe that this is not the case. The weight of the combined evidence at my hands causes me to consider the bear more timid

and shy, than even a deer and satisfies me that upon the approach of human beings it will run more quickly and much further than will a deer or any other wild animal found in our forests. I have yet to meet one individual who will testify under oath that he knew of a single instance in which a black bear had, in this Commonwealth without provocation, attacked or injured human beings. There, of course, are instances where they have been compelled to put up battle for their lives or liberty. An old hen, or a mother grouse, or any little wild bird will defend itself or its young. A rabbit will, sometimes, bite a hand that is taking it from a box trap. Some bear may kill sheep or pigs. They may destroy some growing crops, but in my opinion the cases are so isolated as to amount to nothing. Some dogs will also kill sheep, and I firmly believe that dogs are really to blame for nine-tenths of the wrongs that are now charged to the bear. I know that many sheep are killed in counties, where there are no bear. I know too, that the hunting of bear is much more arduous than deer hunting, and that when a bear is secured, an animal of greater value than a deer has been taken. I think bear should be given additional protection and its killing should not be permitted between January 1st and November 1st of any year.

AUTOMATIC GUNS.

In my report of last year will be found the following: "The new act forbidding the use of the automatic guns for the purpose of killing game in this Commonwealth seems to be a law in the right place, and is a very necessary and beneficial measure. It takes the power to kill out of the hands of many people, who are controlled only by their ability to slaughter. The claim that the daily or weekly bag limit is all that is necessary to secure good results, I know, and you know to be a farce. In many instances a measure extremely hard to enforce, and one little respected by many hunters. The chief opponent to this bill is the man who has guns of this character to sell, and who wants all the profit that can be secured regardless of consequences in the future. There are men in every community, who claim to be gentlemen and sportsmen who even under present conditions kill everything possible, so long as they see avenues of escape from punishment to them as individuals. The result of their work in the extermination of game or of injury to coming generations, receives no consideration at their hands. For instance, I have had reported to me this fall, that one man in the neighborhood of Harrisburg had boasted that he had wiped out an entire covey of quail killing the last bird. This covey was the progeny of the quail imported by the Game Commission at the expense of the State from Alabama; and demonstrates what such men will do when they have the power to do it."

This statement I desire to reiterate and to notify you that on January 11th, 1908, a warrant was issued at the instance of some person or persons to me unknown against one, Thomas McCoombs, a resident of Delaware county, charging a violation of the act forbidding the use of the automatic guns in this State for the killing of game or wild birds. A verdict of guilty appears to have been rendered by the justice or alderman, who tried the case and the defendant was sentenced to pay the penalty imposed by law for said offense. On January 14th of the same year, an appeal was taken to the Court of Quarter Sessions, and in February following argument was heard before said Court. Who represented the side of the State I do not know. Whether the Commonwealth was represented at all I am unable to say. On April 25th, 1908, an opinion was handed down by that Court deciding the act unconstitutional upon the ground that the verdict below was a discrimination against the makers of the automatic guns that deprived them of equal protection of the law guaranteed by the Constitution of the United States and of the State of Pennsylvania. The automatic gun I believe is made in Massachusetts.

Immediately after this ruling of the Court in Delaware county this State and country was flooded with circular letters calling attention of the sportsmen and dealers to the fact that a Court of Pennsylvania had pronounced this act unconstitutional. One of these circulars over the signature of the Treasurer of the company making this gun, calling attention to the before cited ruling and asked all persons who might be arrested for violating this act to, if possible, have the hearing continued until his Company could be notified. I received several copies of these circulars from parties in this State, who were anxious to understand the true situation, and one from far away California. I immediately took steps to carry this case to the Superior Court on appeal. In my answer to correspondents relative to this subject I claimed this defendant had been prosecuted at the instance of the manufacturers of this automatic gun; that a judgment had been secured without notice to the State, and that I was trying to have the matter heard upon an appeal, so that it might be finally and definitely settled to the satisfaction of all parties interested. Shortly afterwards I received a letter over the signature of some one who had added "President" to his name, and who wrote me that he, had read one of my letters in which I had accused his company of resorting to unfair methods in securing this decision; that his company was the sole manufacturer of these guns, and that I had best refrain from making such charges in the future. Since the receipt of this letter, which I have either mislaid or lost, the second circular to which I above refer was found in my mail and reads as follows:

M. HARTLY COMPANY, REMINGTON.
SOLE REPRESENTATIVES OF THE UNION METALLIC CART-
RIDGE CO.,
THE REMINGTON ARMS CO., 313-315 BROADWAY.

New York, June 3, 1908.

Dear Sir:

(and concluding in the following words):

"If there should be any other arrests of parties in the State of Pennsylvania for using the so-called automatic shot gun we hope the defendant will secure an adjournment and notify us of the matter at once.

"Very truly yours,

M. HARTLEY CO.,

"(Signed) G. W. JENKINS,

"Treasurer."

I need not comment to you upon the interest or connection of this Company to the case in question, but will report that it has been appealed, and will be argued before the Superior Court during the present month of November, 1908. A copy of the paper book upon the part of the appellant is now in my hands and is herewith attached. We await the ruling upon this subject and I will be controlled by your order regarding further appeal, if such a step be needed. This seems to be a most important case, involving as it does, a question of the right of the State to protect its game and its fish in such manner as to it may seem best, and the matter to my mind is one that should be thoroughly tested. For, if it be unconstitutional to say game may not be killed through the use of the automatic gun, because it interferes with the right of manufacturers, what is to prevent the use of other methods prohibited in the taking of game, or the use of spears or nets, etc., in the taking of fish, or even dynamite in the taking of fish. What is to become of our game and fish?

GAME PRESERVES.

The three game preserves that have been created under the provisions of the act of 1905, appears to be serving the purpose intended, that of providing a haven of refuge, into which game and birds of all kinds protected by the laws of the Commonwealth can retreat and can find peace and rest at all times. We have carefully guarded these retreats during the past season and I am pleased to say, that I know of no violation of the law relative to these inclosures. Many men, who had first opposed the setting apart of

these section under the impression that they would be used as private hunting grounds for politicians and their friends are now satisfied that the provision forbidding any and all men to hunt thereon means just what it says and that the Game Commission will surely see to it, that all offenders, no matter who they may be shall be prosecuted. In my opinion there is no better way of increasing the game conditions in this State than by this method, and I think the number of preserves in the Commonwealth should be increased as rapidly as possible. I am satisfied much better results can be secured through the restocking of areas such as are now authorized and where absolute protection is given throughout the entire year, than can be secured through breeding parks or preserves in which game of various kinds might be raised in captivity for later distribution or through the purchase of game from the outside, or in any other way. I am satisfied that game of almost every variety will breed to better advantage in a wild state than in captivity, and that if it is protected from vermin through the method recommended in the circular "Save Our Birds" before referred to, and from man through a conscientious enforcement of the law, a reasonable increase, is sure to follow. Inclement and unseasonable weather will, of course, affect the breeding of game in captivity quite as much, if not more than in its wild state, while disease is much more apt to lay its blighting shadows on animals or birds in confinement than where they are restricted in no way. So far as I have been able to learn the attempt to rear ruffed grouse or quail in captivity has not been crowned with any great measure of success, and that better returns are secured through the methods we have adopted.

The value of these preserves is to-day being proven and tested in a manner not considered at the time of their creation. As you are aware vast tracts of forest lands in this State have been burned over and destroyed by forest fires and game of all kinds has been driven into restricted territory, where were it not for something more than the ordinary game laws, it could and would be almost exterminated. Reports to me by those in charge of our preserves show that game of all kinds, rabbits and squirrels perhaps excepted, driven from the surrounding territory by fire has congregated within the limits of our lines, has congregated within this city of refuge, where it will have peace and rest until such time when it can again find food supply in the now devastated sections. The protection of these preserves from fire has been a most serious proposition to all parties interested, one requiring the most strenuous efforts possible upon the part of every man that could be mustered as a fire fighter by the Department of Forestry and to which Department too much credit cannot be given. As it is fully one-third of the Clearfield Preserve is reported destroyed. The fires in Clinton

county for many days threatened our preserves in that section, and came within a mile or so of our wire in many places. At some points it came nearer than that. The Franklin county preserve is still unharmed. I hope to be able to guard these preserves this fall so that nobody shall hunt therein, or shall be able to drive animals from within so that they can be killed outside.

FOREST FIRES.

It is not my province to touch in this report upon the subject of forest fires, excepting in so far as they may affect game and wild birds, and with these subjects in mind think we are to be congratulated upon the fact that these fires severe as they have been have raged in the fall, instead of in the spring when birds were either hatching or when the young of game of all kinds would have been too weak to have escaped the flames. As it is, I believe, but little loss has been sustained by either birds or game, excepting perhaps rabbits and squirrels; and that while not many of either of these last two named animals were actually burned to death because of their ability to find safety either in the ground or in trees that were not burned, they must both suffer very materially. Many of them die because of the destruction of their food supply. This question of forest fires is one requiring the most serious consideration, and their origin, as well as conditions that make them possible, should receive the most careful consideration. Many of these fires are reported to have been started through the carelessness of hunters. Therefore, the remarks I have already made relative to the subject of opening the game season later than they are opened at the present time. The question of fairness or justice to any section of the State in the matter of when migratory game may be or may not be killed, to my mind is not to be considered, when compared with this question. If forestry is as important as it is claimed to be, it seems to me it is only an exercise of good judgment upon the part of the State to minimize the probability or the possibility of such fires by keeping careless and reckless men out of the woods as much as possible. Considering, of course, the statement hereinafter made that hunting is of grave import to our National welfare.

HUNTING.

Hunting I consider a National necessity, and not simply recreation or pleasure. I hold that the American Volunteer with limited discipline and drill is the equal of any regular on the face of the Earth, simply because of his home training, simply because he knows before hand how to care for himself in the woods, on the

waters, day or night, and knows how to care for his gun. The State is constantly expending large amounts of money for various purposes, intended to benefit the people. Good roads, forestry, fish, the creation of parks, each one of them an incentive to outdoor exercise; pure air, better health and therefore better citizenship. I fail to understand why the same treatment is not accorded sportsmen. The Forestry Department tells me the number of permits that were issued last year were 435 and this year up to the 10th of November 463, 10 hunters desiring to camp upon State lands, and that they average about seven men to the permit, making a total of 3,045 men who camped upon State lands last year, and 3,241 for 1908. It is fair to assume that fully as many men have hunted or will hunt these lands without camping, going from their homes and returning the same day, or camping on adjoining lands and going on the State lands each day, making a total of 6,090 men, who last year, and 6,482 for this year, hunted upon State lands alone. We believe that more than 100,000 men hunted upon lands others than State lands during the past season, making an army of 106,000 and more men.

Considering this question of hunting in its many phases as a bulwark of defense in the time of need, as a source of recreation and forgetfulness of business cares, followed by good health, and therefore, better citizenship; considering the amount of game secured as a food supply, the vast number of predatory birds and animals that are killed by sportsmen and the consequent value of beneficial birds thus protected, I cannot understand why an amount equal, to or at least, a fair proportion of the amount that is given to other causes of no more importance should not be appropriated to the use of the man with the gun.

THE UNNATURALIZED FOREIGN BORN RESIDENT.

As I have repeatedly made report to you during the last number of years upon this subject, so I again reiterate that by far the greater number of cases of violation of our game laws reported to us during the past season, killing of game out of season, hunting on Sunday, killing song and insectivorous birds, is of wrongs done by the unnaturalized foreign born resident of this State, mostly Italians. From every section of this Commonwealth the same conditions are reported. We have had notices printed in Italian and in Slavish language containing the salient features of the game laws, and have them posted everywhere in sections where these people are found. Still the violations continue. As I have before made report that the news of an arrest of one of these people, with its consequent punishment, hardly travels beyond the limits of the

camp in which the offender made his home. In the hope of, as far as possible, taking away from these people the power to do wrong, believing that many of them were thus violating our laws because they did not understand either what the word "liberty" meant, often confounding it with "license" to do as they please, and that they did not understand the laws of this Country, forbade the killing of all song and insectivorous birds by anyone, I had a bill introduced in the Legislature of 1907, taking from this class of people the right to own or possess fire-arms in this State. That bill most unexpectedly to me met defeat. I feel that a second attempt along these same lines should be made, to have our Legislature understand the wrongs that are being done by these people, not only through the killing of our wild birds and game, but also through the many criminal actions accomplished only because they are in position to so accomplish it. I am informed that allegiance and protection are reciprocal. In other words, that no one is entitled to protection, excepting in proportion to his allegiance, and that the State has a right from a police standpoint to extend or deny privileges to men who are not citizens of this Commonwealth. There should be some way of reducing the number of wrongs done by people of this class through the use of guns. I feel perfectly satisfied that there is not a county in this Commonwealth in which these people have gathered to any great extent that has not had its costs through criminal actions multiplied time over time and with no compensating return to the State.

HOUK CASE.

On the second day of March, two years ago, one of our Wardens, Seely Houk, disappeared. On the 26th day of April following his body was found in the Mahoning river loaded with stones. An examination showed that Mr. Houk had been foully murdered by some one, and I was directed by your body, and the then Governor of this State, Hon. Samuel W. Pennypacker, to take this matter in hand, and if possible, secure the conviction of the man or men who had consummated this outrage. I take opportunity at this time to report to you the conviction of one, Rocco Racca, the man suspected of the killing of Seely Houk at the very beginning, and also the establishment through the evidence produced at this trial of a fact beyond question that this man was aided and assisted in the commission of this murder by his brother-in-law, an Italian now in Italy. I desire to report to you that at the time of the trial of this defendant the Commonwealth presented evidence, proving beyond the shadow of a doubt the existence of an organization founded in Italy more than 1,200 years ago and then known as the Order of Our Saviour.

later known as the Mafia. That this organization was formed for mutual protection of its members and that mutual protection extended to and covered them in the commission of any offense known to the law of any land, so long as the person wronged or injured is not a member of their organization. It was proven beyond a question of a doubt that this organization has spread to the United States and that there are many branches located in many parts of this Country, known in this Country to its members as the Order of Honor, and to the American as the Black Hand. The defendant himself admitted that he was a member of the Mafia in Italy; that he organized a branch of the same body in Hilltown, Lawrence county, Pa. He admitted that he was arrested and tried six times in his own country for various offenses ranging from petty larceny to assault and battery with intent to kill. Upon the part of the Commonwealth his record from Italy was introduced showing that he had been arrested and convicted thirteen times instead of six times.

In this trial it was proven that Mr. Houk, our officer, killed a dog belonging to this defendant; that when he learned his dog had been shot, he said: "Just as my dog died in the woods, so shall this man die." That later on he saw Houk along the railroad below his house, that he and his brother-in-law immediately took their guns and sought a position in the woods, to which position Mr. Houk was attracted by the firing of one of the guns. That they laid behind trees and that when the officer came in range of one of them, the brother-in-law fired a charge of slugs into Houk. After he had fallen this man Rocco Racca sprang out, placed the muzzle of his gun almost in Houk's mouth and blew away the back of his head. That he was left lying where he fell until after dark, when the body was carried across the embankment of the railroad and deposited in the Mahoning river. That his rain coat was turned up over his head and loaded with stones, so that the body could not float and that it so remained until the water of this river had been reduced in the Spring and so clear that the body was readily seen. It was proven that shortly after the killing of Houk, Rocco Racca was expelled from the organization for violation of some part of his oath relative to the treatment of other members. That immediately after this expulsion he set the wheels in motion to force his reinstatement, and in doing this called together a number of the men known as the members of the first class. It was proven that these men were called and came to New Castle and Hilltown from points in New York State, from points in Ohio, and from different points in Pennsylvania. Showing beyond the question of a doubt, that the Mafia or Black Hand is well established in at least three states in this Union. Some of these men came from New York City and from

other far away points, and the defendant was compelled to pay expenses amounting to about five hundred dollars. This defendant himself admitted in cross-examination, that the mutual protection extended to members of this organization covered the commission of any crime even that of murder, so long as the person wronged was not a member of their organization. We hope to be able to pursue and punish the brother-in-law now a resident of Italy, but understand that there is no extradition treaty with Italy and that to secure his punishment we must have the evidence in this Country taken before a Commission and carried into Italy where the matter will be heard and decided by one of their judges. The attorney for the defendant has filed reasons for a new trial, which I presume will be argued in due time, and that upon a refusal of the Court of a new trial the case perhaps will go to a higher Court or to the Board of Pardons. So that, while we have successfully travelled a long rough road to secure the point attained the end is not yet reached. I give it to you, as it stands.

STATE POLICE.

I cannot commend too highly the work of the men belonging to this organization or to urge upon you the necessity for increasing their force. While because of their extended duties covering many subjects I do not think it would be well to place the entire work of game protection in the hands of these men, as suggested by some, I have found their help of the very greatest value to my work, limited even as their number are to-day and I can see far better benefits through the assistance that would come, if an increase of that force was secured. I sincerely hope the coming Legislature will view this matter in the same light.

FORESTRY.

Upon this subject I reiterate what I have many times before said, that the work of this Department is of the very gravest and most serious value to this Commonwealth. Taking our game preserves and the forestry lands in Clinton county as an illustration I would say: This land, only through the most strenuous exertions has been saved to that part of the county wherein it is located. Many thousands of acres of land belonging to individuals has been burned over and the growing timber destroyed. That entire portion of the county would have been burned over had the land not belonged to the State of Pennsylvania, and had not the fires been fought in all directions by men in the State's employ and by men who were called to their aid through authority given by the State. It seems to me

that if never before a practical illustration of the benefit to be secured through State ownership has been given to the people. It seems to me that if never before the sportsmen of that region should and will appreciate the value of forestry ownership and of the creation of a preserve in which game can be saved at all times within that preserve.

HIGH POWER GUNS.

I am in receipt of numerous complaints concerning the dangers arising from the use of the high power guns. The arguments being that because of thick undergrowth in Pennsylvania the hunter is not often able to see game or secure a shot at a greater distance than at which black powder would be effective and that therefore the use of high power guns is unnecessary. While we have been to a great extent relieved of danger to human life through the passage of the law compelling deer hunters to look before they shoot, there is still serious danger threatened by the use of this gun, and it should be prohibited in Pennsylvania. I give you this also as a subject under discussion by hunters and one upon which there may possibly be bills presented at the next session of the Legislature.

WORK OF THE GAME COMMISSION.

I feel that considerable has been accomplished by the Game Commission during the year just passed, more through the education of the people, along correct lines, than from any other cause. There are many defects in the now existing laws that should be corrected. It has been my constant and persistent effort since I was called to fill the position I occupy to prevent even the semblance of persecution or unjust prosecution by any officer of the Commonwealth, under our control, and to especially prevent such persecution or prosecution for the purpose of collecting revenue. Some instances have occurred in spite of my endeavor to the contrary. I have recalled the commission of several men during the past year, whose work appeared to indicate that their purpose was directed more to the collection of dollars for their own profit than to the enforcement of the game laws, because of the value of bird life to the people. One of the especially erroneous features of the present law appears to be the method of transmitting penalties collected to the State Treasury. Under the present law money now collected under this head unless the prosecutor is a game protector go the county treasurers of the county in which the conviction was secured, and from there to the State Treasurer. This office is in no way apprised of the prosecution or conviction. Thus making possible all

manner of fraudulent actions upon the part of those who desire to either defeat justice or defraud the State.

For instance, a man kills a deer in violation of the law and fearing arrest goes to his friend, a justice of the peace, or an alderman, confesses to the officer and says, make no record of this thing unless some one raises the question. If they do then of course, I will pay the one-half of the penalty as fixed by law. The other half belongs to me as the informer or prosecutor. If no claim is made within the year the time fixed by law during which a prosecution might be brought, I will be entirely relieved and will have nothing to pay. Again the holding of moneys by justices for one cause or another has frequently come to my notice. Once I was compelled to cause the arrest of an alderman before he would pay over to the county treasurer the penalty I knew were in his possession. In another county I was compelled to write several letters to a county treasurer before he, as directed by law surrendered the money belonging to the State, that I knew was in his hands. So I might illustrate through many instances, the possible wrongs that come through existing laws. By saying that all convictions should at once be reported to the Game Commission at Harrisburg, and that all penalties thus collected should be at once returned to said Game Commission at Harrisburg, this feature would be entirely overcome, as the present law now compels this Board to make frequent reports to the State Treasurer of money coming into its hands. I am satisfied that much annoyance and many dollars would be save through such a procedure. To materially assist us in our work of educating the people I think it would be well to issue bulletins that may to us seem best upon such subjects as may bear upon our work.

RECAPITULATION.

Because of the great value of the dove to agriculture as a destroyer of noxious seeds and the fact that their increase is limited to but two a year for each pair of adult birds, and the further fact that because of its being classed as a game bird its species is rapidly being decreased and will soon be exterminated. I feel that this bird should be returned to the list of birds given absolute protection in this Commonwealth.

Because of the serious loss to the State through forest fires, many of which were undoubtedly started by reckless and careless hunters and boys, and the fact too, that the value to all the people of the property destroyed including game through these said forest fires, far exceeding any value that might be secured by hunters or any right to take game of any kind, at any time. I would suggest that hunters as far as possible be kept out of the woods during that time,

when our forests are usually dry, or until the probability of fall rains have reduced at least this danger to a minimum, say from the first of January to the first of November.

Because of apparent changes in our seasons and the fact that cold weather with winter storms appear to be coming later in the fall than in years past and the fact that about the only privilege enjoyed at this time by the sportsmen and that could not be enjoyed under a later opening of the season, is the killing of woodcock and the further fact that only a part of the State would be so affected by a change in the law and that this splendid game bird is rapidly nearing extinction I would suggest that the season for all game, excepting wild water fowl, and shore birds, be open on the first day of November.

Because of the great wrongs committed not only through the killing of birds, but other wrongs against the peace and welfare of our Commonwealth at the hands of the unnaturalized foreign born residents through the use of guns, I feel the bill presented to the last Legislature through which we attempted to take from this class of people, either the right to own or possess a gun in this Commonwealth should again be presented to the coming Legislature and every effort be put forth to secure its passage.

Because of the great benefit to the Commonwealth and the Nation derived through hunting in that recreation, exercise and experience thus secured tends to better health, normal and physical, and therefore to better citizenship. In view of the fact that the more able our young men are to care for themselves, either by day or by night in our fields, in our forests or on the waters, and the more proficient they become in the handling of firearms, especially in their power to shoot straight the better soldiers they make. In view of the fact that our National hope, our bulwark of defense in the time of trouble from within as well as from without is the American Volunteer, to-day with limited discipline and drill the equal of any regular on the face of the Earth. In view of the fact that a Nation of hunters is always a Nation of accurate shooters, and that the reverse is always a most serious menace to success in the time of war.—I cite the late conflict in South Africa, the ability of Jackson's men to shoot at New Orleans, and the efficiency of our Pennsylvania troops, known as the Bucktails,—in the civil war, as example,—I feel that this State owes it to itself, owes it to its sportsmen who handle guns to generously supply an incentive to hunt in the shape of game. The importance of which to my mind means more than good roads, or fish, or parks, or State fairs or even forestry itself without game. An appropriation to my mind should be made for the purpose of restocking the State with such game as can be purchased.

Because of the splendid work done by the State Police in our line of work within the Commonwealth, and the great help given the cause of game protection through the presence of these men in a community, as well as through their energetic positive actions, I would like very much to see this force increased, so that a detail of at least ten men might be ordinarily located in each county of the Commonwealth.

Last but not least, I think it would be well to codify the game laws of this Commonwealth, placing all under a single title and place therein the many acts that are found on the statute books relating to game and wild birds, and which attend to annoy and confuse, rather than benefit.

FINANCIAL STATMENT.

I desire to state to you at this time that the condition existing at the time my last report to you was made through which by a ruling of the Auditor General it was considered that the appropriation given to us by the Legislature could only be used and applied to certain purposes, has been relieved through an opinion of the Attorney General reversing the decision of the Auditor General and giving us our money to use as we desire the purpose of game protection. These rulings were based upon the interpretation of the words contained in the general appropriation bill relating to the Game Commission. The Auditor General indicated at the time his ruling was made that he was perfectly willing to accept the interpretation that might be placed upon this section by the office of the Attorney General. Through the ruling of the Attorney General, we have been able to satisfy all of the claims of outstanding attorneys, to pay claims upon us for detective work in ferreting out the murder of Seely Houk and in other matters. Our debts of all classes are paid, and we have so handled the funds at our command as not to any serious degree affect our work outside. Every dollar collected since the bill directing such moneys to be turned over to the State Treasury has been so turned over. Our books as hereto lay upon the table and are open to public inspection upon any subject at all times.

Respectfully submitted,
JOSEPH KALBFUS,
 Secretary of the Board of Game Commissioners.

FINANCIAL STATEMENT.

From June 1st, 1907 to November 1st, 1908.

First Quarter of appropriation:

June 1st, 1907 to December 20, 1907.

Dr.

To general appropriation,	\$3,000 00	
To balance in propagating fund,	1,662 99	
To fines and costs collected,	2,656 30	
To fines to use of Game Commission collected prior to June 1st,	120 00	
To fines returned from fish case, by mis- take,	25 00	
	<hr/>	\$7,464 29

Cr.

By protectors expenses, and per diem services,	\$2,289 10	
By office expenses,—postage, express and janitor, merchandise not on schedule,..	668 72	
By attorney fees,	201 00	
By one-half fines returned to prosecutors,	842 50	
By fines deposited in State Treasury for use of Commonwealth,	1,371 82	
By expenses on preserve account,	959 27	
	<hr/>	6,332 41
Balance cash on hand,		<hr/> <hr/> \$1,131 88

Fines in cash balance to be deposited in

State Treasury,	\$340 16
Balance in preserve account,	703 72
General appropriation account overdrawn,	158 82

In the amount covering office expenses is an item of \$400.00 covering postage for mailing 10,000 game law pamphlets.

Second Quarter of appropriation:

December 20, 1907, to April 1st, 1908.

Dr.

To general appropriation,	\$3,000 00	
To balance in preserve account,	703 72	
To fines and costs on hand,	340 16	
To fines and costs collected,	863 84	
To fines on hand collected prior to June 1st, 1907,	85 00	
		<u>\$4,992 72</u>

Cr.

By protectors expenses and per diem services,	\$2,550 75	
By office expenses,—postage, express and janitor,	63 96	
By overpaid costs returned,	2 50	
By attorney fees,	150 00	
By one-half fines returned to prosecutors,	310 00	
By amount of fines deposited in State Treasury for use of Commonwealth,....	797 34	
By expense on preserve account,	81 45	
By amount overdrawn first quarter on general fund,	158 82	
		<u>4,114 82</u>
Balance, cash on hand,		<u><u>\$877 90</u></u>

Amount of fines in cash balance to be deposited in State Treasury,	\$235 75
Balance in preserve fund,	622 27
	<u><u></u></u>

Through the system of depositing fines in State Treasury, certain moneys were deposited out the general fund, which makes our account overpaid out to the amount of \$65.12 which amount is lost to the use of the Commission.

Third Quarter of appropriation:

April 1st, 1908, to July 25th, 1908.

Dr.

To general appropriation,	\$3,000 00	
To balance in preserve account,	622 27	
To balance of fines from last quarter on hand,	235 75	
To fines and costs collected,	723 15	
To licenses and certificates,	60 00	
		<u>\$4,641 17</u>

Cr.

By protectors expenses and per diem services,	\$2,559 68	
By office expenses,—postage, express and janitor,	110 04	
By attorney fees,	347 00	
By amount overdrawn last quarter,	65 12	
By one-half fines returned to prosecutors,	208 80	
By fines and costs deposited in State Treasury,	646 20	
By expenses on preserve account,	204 40	
		<u>4,141 24</u>
Balance cash on hand,		\$499 93
Balance in preserve account,	\$417 87	
Fines and costs for deposit in State Treasury on hand,	156 60	
Amount overdrawn on general fund,	74 54	
		<u><u>\$6,229 21</u></u>

Fourth Quarter of appropriation:

July 25th, 1908 to November 10th, 1908.

Dr.

To general appropriation,	\$3,000 00	
To balance in preserve fund,	417 87	
To amount of fines on hand from last quarter,	156 60	
To amount of fines and costs collected,	2,627 27	
To certificate fees,	25 00	
To cash paid out and returned on over-paid accounts,	3 47	
		<u>\$6,229 21</u>

Cr.

By protectors expense and per diem services,	\$2,655 99	
By office expenses,—postage, express and janitor,	88 02	
By attorney fees,	260 00	
By amount overdrawn on general fund, ..	74 54	
By one-half of fines returned to prosecutors,	644 63	
By amount of fines and costs deposited in State Treasury,	2,132 74	
By expenses on preserve account,	109 72	
	<hr/>	\$5,965 64
Balance cash on hand,		<hr/> \$263 57 <hr/>
Balance in preserve fund,	\$308 15	
Amount overdrawn, paid out on general fund,	78 55	
	<hr/>	<hr/>

P. S. All money paid out are accounted for to the Auditor General in vouchers taken and turned over to that office, audited and approved before each quarterly allowance is drawn.



ANNUAL REPORT
OF THE
GAME COMMISSIONERS
OF THE
STATE OF PENNSYLVANIA,
ALSO A REPORT OF THE
CHIEF GAME PROTECTOR
TO THE COMMISSION
FOR
THE YEAR 1909.

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HARRISBURG:
O. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1910

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REPORT

OF THE

BOARD OF GAME COMMISSIONERS.

To His Excellency, Edwin S. Stuart, Governor of Pennsylvania:

Sir: In compliance with the law of this State, we hereby respectfully submit to you our report of the work done through and under our direction during the year intervening between December first, 1908, and December first, 1909; and that you may more thoroughly understand the situation attach hereto and make a part of this paper the Report of our Secretary to us for the same period.

From what we have been able to gather from this and other reports made to us and from personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds classed as wild-birds other than game birds, are increasing in the State, and that the benefit to the Commonwealth through this increase from an economic point of view is most marked. We feel that game birds of all kinds, including quail, are more numerous than for years past, and that game quadrupeds, such as deer, bear, and rabbits are increasing in numbers, in that territory on which they were found last year and in many instances are found in sections whereon, prior to this time, they had apparently been exterminated, thereby supplying in this manner an incentive for exercise and recreation that can be furnished in no other way; an experience in camp life, in handling and caring for firearms that is of very great value to the men of all ages who indulge in it.

The peace and rest given the wild bird and game through the absence of forest fires during the past year has been a very great factor towards this increase of game and wild-birds and we feel that the work done by the Department of Forestry deserves special mention at

our hands. In our opinion many of the young wild-birds and animals are destroyed by spring forest fires, more than by many other causes combined. The food supply of such creatures is also entirely cut off upon the burned territory, resulting very frequently in the starvation of the individual that may escape the flames.

The subject of game and bird protection, is one that at this time seems for various reasons to attract considerable attention from all classes throughout the State. The benefit derived by the State from the life work of our wild birds of all descriptions, appears to extend from planting time to away beyond harvest, really in many instances going far beyond the application of a product to what might well be termed its final purpose. Worms, for instance, frequently destroy timber well seasoned in every respect and made up into buildings, ships, furniture, and other articles of commerce. The life work of the bird affects these things from beginning to end. The game bird carrying in addition, a value derived in its taking such as recreation, exercises and experience in the field and in the camp, that cannot be computed, and that is not realized by those who do not indulge in hunting. We feel that we cannot go too far in the protection extended to our wild birds of all descriptions.

We find the enactment of a law is one thing and its enforcement another, that one of the greatest requisites to the success of a compulsory law, is public opinion, this, we feel, is with us in this State, not only that of the sportsmen, with whom the idea of game and bird protection originated, but that of all classes who give the question the slightest thought, and most especially is this the fact with those who are engaged in agricultural pursuits, who have come to realize the value of the living bird to them and that the question of bird protection is just as much a question of dollars and cents, as is that of cultivation, fertilization or any other adjunct to a profitable crop.

We are of the opinion that our law pertaining to this subject, is, in many of its features, all that is necessary, and that through proper effort in its enforcement, much good can be accomplished.

Our officers appear to be acting cautiously and carefully, considering the rights of the people, and refraining in every instance from prosecution that might be unfair and unjust, or that might result in placing unnecessary costs upon a county.

We desire to impress upon your Excellency the fact, that the amount of money expended by the Game Commission for the two years ending with the first day of June, 1909, was less than \$300 per year for each county of the Commonwealth, this amount covering all expenses incurred, including services of officers, traveling expenses, attorney fees, pay for detective services, and every other expense attached to the work allotted to us.

We had appropriated to our use by the Legislature of 1909 the same amount given us by the previous Legislature, and are keeping our expenses well within that allowance.

We have already since June 1, 1909, and up to this date, turned into the State Treasury, for the use of the Commonwealth the sum of \$8,633.05, the same being but \$2,314.95 less than the amount allotted to our use by the State during the same time.

We feel that our work has resulted in a vast increase of useful bird life belonging to that class known as song and insectivorous birds, the value of whose life-work cannot be estimated.

That the increase of beneficial mammal life is most marked.

That a most decided increase of birds and mammals classed as game has been secured, therefore, an increased incentive to recreation and exercise in pursuit of such game.

That a food supply aggregating many hundred of tons has been produced.

That a decided decrease of both birds and mammals classed as predatory has been secured, meaning an increased peace to domestic fowls as well as to the wild birds of our Commonwealth.

That a saving to the State from loss through forest fires that cannot be expressed in words and figures has been secured.

That protection to our farmers through the limiting of that time during which men may use guns has been secured.

In the protection of sheep, cattle, horses and other property through the prescription of dogs.

And especially through the disarming of the unnaturalized foreign born resident, have brought peace and rest to all wild life in the State, and created conditions of well being in our several counties that could not have been secured in any other way.

Respectfully submitted,

JAMES H. WORDEN,

President.

CHARLES B. PENROSE,

JNO. M. PHILLIPS,

C. K. SOBER,

ARTHUR CHAPMAN,

Board of Game Commissioners.



REPORT OF THE
CHIEF GAME PROTECTOR
TO THE
GAME COMMISSION

OF THE
STATE OF PENNSYLVANIA FOR THE TIME INTERVENING BETWEEN NOVEMBER 1st,
1908, AND THIS DATE.

Harrisburg, Pa., December 1st, 1909.

To the Honorable Board of Game Commissioners of Pennsylvania:

Gentlemen: I herewith submit to you my report of work done personally and through my direction during the time intervening between the 1st day of November, 1908, and the 1st day of December, 1909. This report considers and includes the work done by the Game Protectors, Deputy Game Protectors and Special Deputy Game Protectors connected with this office; the work of the State Police, and others interested.

I am satisfied from personal observation and inquiry and from written reports received from the several officers connected with this office, and others, that game of all kinds, and wild birds other than game-birds received better protection during the year just past than ever before in this State. That because of this condition our game birds, including quail, our song and insectivorous birds have materially increased. One report received from the neighborhood of Presque Isle, Erie county, says: "You may be interested to know that small land migrants, such as late warblers, thrushes, robins and crown sparrows fairly swarm. I never saw such numbers before." Another from Huntingdon county says: "The territory covered by Mr. Swope and upon which he killed so much vermin last year is fairly alive with wild birds other than game-birds. We never had so many birds before."

Game-birds appear to have increased very materially in many sections of the Commonwealth. Ruffed-grouse are more plentiful than the apparent scarcity of old birds last fall and spring gave promise of. One peculiarity of this increase is that the great majority of the grouse killed seems to be male birds, fully nine-tenths of all the birds I have seen this fall were cock birds. In one instance but one bird out of fifteen killed by one person was a female bird; in another instance but one out of nine killed was a female bird. I killed five myself, one of which was a female. I have seen perhaps one hundred that were killed this fall, and more than ninety of them were cock birds. I have talked with many men from different sections of the State, and receive the same report from all directions. This is a peculiar condition, and I call it to your attention.

Turkeys have had a good hatching season, and in sections of the State where they are found at all, are more plentiful than usual. Quail appear to have increased all over the State, and in some sections appear to be quite plentiful. This applies especially to southwestern Pennsylvania, where I am informed more quail were found at the opening of the season, October 15th, than for many years. There is no doubt whatever about a very material increase of deer, bear and rabbits, in that territory where they are located, except the territory swept by forest fires last fall, where the food supply was destroyed, and as a consequence every rabbit upon that territory starved to death. I traversed thousands of acres of such lands this fall and found it without animals of this kind, not one track or sign of working could be found. Through this increase of game we feel that an incentive to outdoor exercise and recreation is supplied that cannot be secured through any other process. An experience in camp life, in the handling and caring for firearms is secured that is of very great worth to our citizens, who indulge in hunting, through which they, as individuals, secure better health, and are, therefore, better fitted to fill the place allotted to each in his respective community.

The protection secured to female deer in this State has resulted, as was expected, in a decided increase of deer that has to a more or less extent crowded the lands upon which deer were found when this law was passed and caused an overflow in the surrounding territory upon which deer have not been seen for many years. Deer have been seen and killed this fall in sections of the State where no wild animals of this kind had been seen for a decade. In one section a doe and two fawns were seen fully forty miles from what heretofore had been recognized as the deer country. Some does have been killed in violation of law, but not many. *Up to this hour I have not heard of the killing or wounding of one human being in mistake for deer; I have heard of some accidents. I have also heard of two or three men being shot in mistake for wild turkeys. The fact that no men have*

been killed or wounded in mistake for deer, to my mind, fully justifies the enactment of this law that limited the killing of deer to a male deer with visible horns and should insure its continuance. Although I am compelled to report to you that I hear considerable feeling exists in different parts of the State against this before-mentioned provision, in some sections prevailing to such an extent as to render efforts to enforce the law extremely difficult, to say the least. This in face of facts and data relative to the killing of men in States where does can be killed indiscriminately with bucks that is appalling; for instance, data collected by the Biological Survey at Washington last year shows that *eighteen* men were killed and *several times that number* wounded, not accidentally, but in mistake for deer, during the deer season of 1908. These men were killed and wounded in *five* States wherein male and female deer could be killed indiscriminately; while not one human being was killed in *nine* States wherein the killing of female deer was prohibited. In Maine where male and female deer could be killed alike, and only one bull moose could be killed, the season for deer and moose being fixed at different times, not one man was killed or injured in mistake for moose; while several men were killed and still more wounded during the deer season. What the deaths and injuries will foot up to this year from this cause I do not know, but from the information already at hand, I greatly fear the totals will exceed the number that were killed and injured last year.

It has for many years been a fixed idea with me that hunting and fishing was not simply a waste of time, but was instead the taking of exercise and recreation that was necessary to fit men, both physically and mentally, to meet the requirements of their every-day battle with the world; in other words, meaning simply, better health and therefore better citizenship. I also maintain that hunting, especially, is a national necessity, as the experience secured through this recreation fits our young men to understand and handle firearms successfully; it teaches them self-reliance in the woods, or on the waters, and fits them for army-life in a way that nothing else can possibly do. To some men, and I believe the majority of men who hunt, the sight of game in the woods, or the possibility of seeing such game and a chance to study it with the opportunity to make a limited kill, is incentive enough to cause them to go hunting; while to others the desire to kill and slaughter everything that presents itself prevails, this latter class loosing sight of all besides the desire to secure a full return in meat for the money expended, and it is only fair to say that many who feel this way are good citizens, and believe they are right in their opinion. Under another heading I desire to further touch upon this subject.

The new Act relative to game protection signed by our Governor upon the 1st day of May, 1909, is to my mind a very great improve-

ment upon former laws, and was in its original form as passed upon by the Game Commission and presented to the Legislature a still greater improvement. The idea of opening the season for wild turkey and quail upon the 1st day of November and continuing that season for one month only, as suggested by the Game Commission seems to me to be a decided improvement upon the present law from the standpoint of sportsmanship, or game protection, or forestry protection, and for many other reasons. To my mind it would have been a much better exercise of judgment to have opened the season for all game upon the 1st day of November, having a fixed and uniform season rather than to have fixed the date of opening as has been done, upon the 15th day of October, when the bushes are thick, when the birds are young, and consequently smaller and unable to care for themselves as they would be able to do two or three weeks later. This applies to ruffed-grouse in every section of the State, also to woodcock in fully three-fourths, if not more, of the counties of this Commonwealth. I think it must be admitted that in some of our northern counties a season opening later than October 15th would not present the same opportunity for killing woodcock, grouse and squirrel that would be presented by the opening of the season upon that date, but it also seems to me that it was especially unreasonable and unfair to sportsmen in the great majority of the counties of this State to open the season for wild turkey, none of which are found in our northern tier of counties, and for quail, few of which are found in said counties, fully fifteen days earlier than the sportsmen of southern Pennsylvania feel should have been, this date being fixed simply because of a desire to secure a uniform season.

These changes in the bill as passed upon by the Game Commission was made in the committee of the House over my most earnest and continued protest; really at one time this opening of the season for ruffed-grouse, woodcock and squirrel had been fixed for October 1st, and it was only by the most strenuous argument and entreaty that I was able to have it changed to the 15th. Some of the changes as made by this Committee were effected without the knowledge of your Secretary, and therefore through an oversight upon my part, were permitted to pass unchallenged. I refer especially to that feature of the bill as presented by the Game Commission that removed the dove from the list of game-birds in this State, that which prohibited the shooting of quail when they were bunched upon the ground, that limiting the number of bear that might be killed by one person in one season and that feature giving absolute protection to the Hungarian quail for a period of four years; those particular features were stricken out by some one in the Committee of the House without the knowledge of the majority of that Committee and entirely escaped my notice until it was too late to even attempt to have the corrections

made. One of the members of the Committee who was especially energetic in changing and altering the bill as presented by the Game Commission was heard to remark that if the Game Commission would attend to their own business, the members of the House would have no trouble whatever in passing a bill that would at least suit the people of his section of the State.

THE EAGLE AND THE BUZZARD.

These two birds were taken off the protected list of the bill as presented by the Game Commission at the request of Dr. Leonard Pierson, late deceased, who was at that time State Veterinarian, who called at our office and said: "In my opinion it is entirely wrong to give further protection to these birds in this State, both of which feed upon carrion." He said: "We have just passed through a seige of hoof and mouth disease, costing the State many thousands of dollars. An animal might die of this or any other infectious or contagious disease; the carcass is hauled to the woods or fields and a spread of the trouble thus invited. It is possible for either the eagle or the buzzard to spread any infectious or contagious disease over many counties inside of twenty-four hours, that it was time that civilized people bury their dead, and I earnestly in my official capacity, protest against the protection accorded these two birds." I made it my duty to investigate this phase of the question to considerable length and talked with several scientists upon the subject, all of whom, without exception, indorsed the idea advanced by Dr. Pierson. So the change was made.

WILD PIGEONS.

I am assured from several directions that that wild pigeons in flocks numbering from three or four, to several hundred, have been seen this fall in this Commonwealth. Several small flocks were reported from Lancaster county, several small bunches were seen in Dauphin county, and some large flocks seen in Crawford and adjoining counties. I am assured that the gentleman reporting these birds know the difference between wild pigeons and doves. One gentleman from Lancaster county said: "I stood close to a flock of these birds feeding on acorns in an oak thicket; I have killed thousands of pigeons in my time, and am sure the birds I saw at this time were wild pigeons." Another from the same county said: "I was in my boat on the river and saw a small bunch of these birds coming toward me, I had a good view of them as they passed and know they were wild pigeons and not doves; I saw this same flock several times, or saw several flocks of about the same size. I looked at them carefully." One gentleman from Dauphin county said: "I run a stationary engine in the lower end of the county, and one day, a bunch of wild pigeons

alighted on a dead tree, but a few yards from the building in which I was engaged; they were feeding in a field nearby and flew from the tree to the ground and back several times, remaining in that neighborhood the greater part of an entire day. Oh yes! I know what a wild pigeon is and looking at these birds through the window I distinctly saw three big cock birds with their red breasts. I have not seen a wild pigeon before in thirty years." One gentleman from Crawford county said: "I know what wild pigeons are and have netted thousands of them in my time, and am sure I saw a flock of at least three hundred this fall, they were flying high, at least out of gun shot, but still near enough for me to see and know them, they were flying as they used to fly thirty years ago, they were not doves. I know what I am talking about; I have not seen a wild pigeon before for many years." So that it appears that there is something more in this matter than simple guess work, and I only hope these reports are correct, I report the matter to you.

PRIVATE GAME PRESERVES.

That feature of the recent act entirely new to the game law of this Commonwealth, relating to the control, killing and the sale of game raised in preserves and shipped from said places of confinement without having been first released in our forests at large, seems to meet with the approval of the majority of those who are interested in the subject of game protection, and who have given this particular phase a fair consideration. The principle trouble that may possibly occur, it seems to me, will be that of keeping game thus killed in private preserves distinctly separate and apart from game of like kind that may be killed in our open forests, but, as the only kind of game that can possibly be raised to advantage within preserves in this State, that is also found at large in our forests, will be deer, it seems to me there should be no particular trouble relative to the matter. I herewith submit to you with this report, a tag which we have drafted and considered suited to secure the end desired. This new departure seems to me to be desirable for several reasons: It makes profitable the use of wild lands that could not be used for any other purpose: It is to the interest of those owning or controlling preserves of this kind to see to it that lands both within and adjoining their enclosure shall be absolutely protected from forest fires: It means an increase of healthful food at fair prices secured by competition within our own State; it reduces the incentive of high prices to the market hunter and thus minimizes the possibility of the killing of this particular species of wild game for sale; it also opens a way through which the State is enabled to purchase, at fair prices, deer for the restocking of such places as may be selected; taken altogether, I see only profit and benefit to the State through the addition of this feature to our new law.

PUBLIC SENTIMENT.

As I have repeatedly asserted, I believe that the success of any effort in the line of game or bird protection depends to a very marked degree upon the support given that measure by the public, and consider that laws of this kind should be made as reasonable and plain as possible considering the exigencies of the occasion. I believe that these laws as made should be interpreted as liberally as possible, and in all cases justice should be tempered with mercy, thus securing observance through respect for the law, rather than through fear of penalties imposed by that law.

I am pleased to report that this new game law passed by our recent Legislature is considered to be plain and reasonable in most of its provisions, and has the indorsement of the great majority of our people, and especially those provisions giving additional protection to our wild birds other than game-birds. I am pleased to report to you that this question of wild bird preservation is being considered to an heretofore unheard of degree in many sections of the State, especially in our public schools, and that children as well as grown people are learning to protect and to preserve, rather than to harrass and destroy the birds that may come into their neighborhood. In many sections our people both young and old are building and placing houses for martins, blue birds and wrens, and for all other birds that will occupy them, and are giving additional protection to those wild birds such as the robin, woodpecker, the cat bird and many kinds of beneficial sparrows, the meadow lark, the cookoo and other kinds of birds that build their nests outside of artificially prepared homes, yet still are within the zone of stone-throwing boys. The destruction of birds' nests as indulged in some years ago, seems to be absolutely done away with and while we feel that the great majority of the violations of the game laws are, in one way or another, reported to us, the robbing of birds' nests is but seldom heard of, so that we feel there is but little of it. I frequently hear that portion of the new law that forbids the licensing of men who desire to take birds, their nests and their eggs, except to a prescribed few, and for educational purposes only, most highly recommended. All of these conditions, as a natural consequence resulting in a decided increase of our bird-life.

UNNATURALIZED FOREIGN BORN RESIDENTS.

The act of May 8th, 1909, forbidding unnaturalized foreign born residents to hunt or shoot or even own a gun in this Commonwealth appears to have the almost unanimous support of those of our native population who have given this matter consideration. When guns were in the hands of this class of people, they were constantly killing our game and our wild birds other than game-birds, both in season

and out of season and especially on Sunday, absolutely regardless of our laws. We have had a number of cases reported where these people were shooting robins, cat birds and other birds from their nests; they did this openly and with arrogance that was astonishing, seeming to be impressed with the idea that as this is the land of Liberty, they could do as they pleased regardless of our laws. Officers or private citizens who attempted to interfere with them were insulted and frequently assaulted. I believe that I am perfectly safe in saying that during the past two years ending with June 1, 1909, that more than one-half of all the violations of the game laws, as reported to this office, were occasioned by people of this class.

I am delighted indeed to report to you that because of the passage of this act of May 8, 1909, there has been a decided change in conditions, and complaints of this kind have materially decreased.

When this act was passed I looked upon the enforcement of that feature of the bill confiscating the guns of these people as the most serious phase of the question to be met, and after the most serious consideration of the subject, had printed upon cloth in Italian and Slavonic 10,000 circulars calling the attention of these people to the new law and warning them of the consequences of its violation. I sent numbers of these posters to corporations, writing to fully one thousand corporations upon this subject; I sent numbers of the same to individuals whom I knew were employing unnaturalized foreigners. I had thousands of them posted throughout the State by our Protectors, Deputies and Specials; many more were posted through the help of that most efficient organization, "The State Police," and a reasonable time, covering months after the posting of these notices, given these people through which to dispose of their guns. I am pleased to say that many of them took advantage of the opportunity thus presented, some of them selling their guns, some of them giving them away, and some of them actually destroying the shotguns and rifles in their possession, so that up to this time while we have taken, through process of law, several hundred guns, which I now have in my possession awaiting your order; there has been but little friction in this taking, and not one single case of assault or violence reported. The guns seized and now in our possession are mostly cheap affairs, of but little value so far as dollars and cents go, but represent in safety to our bird life, in peace and happiness to many of our communities, including many of these people themselves, a value which cannot be expressed in words and figures. To illustrate, a gentleman told me within the week past that on last Thanksgiving Day he visited a stone quarry in the neighborhood of Harrisburg, where he saw a number, fifty or more foreigners at work; the operator told him that they had selected to work upon that day and that he was surprised at this decision, attributing it entirely to the act of May 8, 1909. He

said: "I have been operating this quarry for a number of years and during that time have always had foreigners in my employ; this is the first holiday of any kind, Sunday or otherwise, upon which many of them were not out hunting, in season or out of season. The result of this law is much to their benefit and to ours." I could cite you other just such instances, and it seems to me that it was most necessary and in its effect most beneficial. This law was carefully considered and passed upon by the office of the Attorney General before being introduced into the Legislature, and while it was considered to press very closely upon the line of unconstitutionality, it was still considered to be constitutional by that office, and was enacted into law. There seems to be a very decided difference of opinion in some sections of the State upon this particular subject and I presume that the matter will, sooner or later, be carried to the higher courts of this State for final adjustment. It seems to me that the sooner steps of his kind are taken the better. No matter what the necessities may be, no matter what the efficiency of this law may be, if it is unconstitutional, it should not remain upon our books.

Since writing the above I have been informed that two courts of Pennsylvania have ruled upon this question in directly opposite directions; one court in Allegheny county holding the act to be constitutional; the other a court in Indiana county holding it to be unconstitutional. I have already taken steps to have the matter passed upon by the Superior Court.

AUTOMATIC GUNS.

The case of Commonwealth vs. McComb involving the question of the constitutionality of the act forbidding the use of the automatic gun "for the purpose of killing game in this State" has been decided in our favor by the Superior Court, Judge Orlady among other things saying: "The preservation of game and fish has always been treated as within the proper domain of police power, also; that it is the duty of the State to preserve from extinction our game and fish, also, that the test as to whether the police power is validly exercised is whether the enactment has relation to public welfare, and has been deemed of sufficient importance to justify the Legislature to enact such a law." The court in this case says: "Nor are the courts concerned about a technical though trifling interference with the pleasure of a hunter, or the property rights of gun makers in deciding a question of public welfare and interest."

I am informed by our attorney that this case has been carried to the Supreme Court and is likely to be argued in January. I hope and believe the Supreme Court will sustain the ruling of the court below thus settling finally the right of the Legislature of this State to pass

any reasonable law it may consider necessary for the protection of game and fish, or to preserve a pure water supply, or to preserve the health of the people either through the regulation or control of our food supply or in any other way.

PUBLIC GAME PRESERVES.

The three game preserves that have been created under the provisions of the act of 1905, appear to be serving the purpose intended, that of providing a haven of refuge into which game and birds of all kinds protected by our laws of the Commonwealth can retreat and find peace and rest at all times. We have carefully guarded these retreats during the past season and I am pleased to say that I know of no violation of the law relative to these inclosures. Many men, who at first opposed the setting apart of these enclosures under the impression that they would be used as private hunting grounds for politicians and their friends, are now satisfied that the provision forbidding any and all men to hunt thereon means just what it says and that the Game Commission will surely see to it that all offenders, no matter who they may be, shall be prosecuted. In my opinion there is no better way of increasing the game conditions in this State than by this method, and I think the number of preserves in the Commonwealth should be increased as rapidly as possible. I am satisfied much better results can be secured through the restocking of areas such as are now authorized and where absolute protection is given throughout the entire year, than can be secured through breeding parks or preserves in which game of various kinds might be raised in captivity for later distribution, or, through the purchase of game from the outside, or, in any other way. I am satisfied that game of almost every variety will breed to better advantage in a wild state than in captivity, and that if it is protected from vermin through the method recommended in the circular entitled "Save our Birds" and from man through a conscientious enforcement of the law, a reasonable increase is sure to follow. Inclement and unseasonable weather will, of course, affect the breeding of game in captivity quite as much, if not more than in a wild state, while disease is more apt to lay its blighting shadows on animals or birds in confinement, than where they are restricted in no way. So far as I have been able to learn the attempt to rear either ruffed-grouse or quail in captivity has not been crowned with great success, and I believe that better returns can be secured through the methods we have adopted.

The value of these preserves is to-day being proven and tested in a manner not considered at the time of their creation. As you are aware vast tracts of forest lands in this State have been burned over and destroyed by forest fires, and game of all kinds has been driven into restricted territory, where were it not for something more than

the ordinary game laws it could and would be almost exterminated. Reports to me by those in charge of our preserves show that game of all kinds, rabbits and squirrels perhaps excepted, driven from the surrounding territory by fire has congregated within the limits of our lines, has congregated within this city of refuge, where it will have peace and rest until such time as it can again find food in the now devastated sections. The protection of these preserves from fire has been a most serious proposition to all parties interested, one requiring the most strenuous efforts possible upon the part of every man that could be mustered as a fire fighter by the Game Commission and the Department of Forestry, and to which last named Department too much credit cannot be given. As it is fully one-third of the Clearfield Preserve was burnt over. The fires in Clinton county threatening our preserve in that section for many days, and in places came within a few hundred yards of our wire and fire line. The Franklin County Preserve is still unharmed. I hope to be able to guard these preserves so that nobody will hunt therein, or be able to drive animals from them that they may kill them outside.

Recognizing the undoubted advantage of these havens of refuge, I feel that one or more of them should be established and maintained in every county of the Commonwealth, stocking and restocking the same with game adapted to that location so that they must become overcrowded and the game confined thereon of necessity be forced into the surrounding territory. It seems to me that the maintenance of the preserves solves, at least the deer hunting question, so far as the danger of extinction from any cause is concerned. If a number of these preserves were established, one or more in each county of the State where deer are found, some of them enclosed as are private preserves and in which deer can be raised for distribution throughout the State, the majority open, as are those already established, being simply havens of refuge into which birds and animals of all kinds can retreat at all times and be at rest. The same being sustained by a fund received from a resident gun tax. It seems to me that outside of the danger to human lives there would be no special reason for limiting the killing of deer to a male deer with visible horns. The establishment of preserves of this kind as I have before stated in my reference to private preserves would tend to decrease the danger of forest fires, and also increase the interest of the general public in forestry preservation. By increasing the number of protectors upon the ground and by enlisting the sympathy and co-operation of every true sportsman in this Commonwealth, much more benefit than at present would be secured. I believe that if the hunters of this State were made to feel that they were partners in fact, in the game of this Commonwealth, as well as in name, that the successful raising and distribution of game in this Commonwealth means some benefit to

each of them, there would be no occasion for charging the starting of forest fires to careless hunters; it would be to their interest to preserve the forests, and I sincerely believe that would be done. If all the hunters in this State did not interest themselves in these matters, I am sure that the majority of them would do so, and I am satisfied that this majority would see to it that the limited minority obeyed the law, that each one of them would consider himself a game and forestry protector as well.

HIGH POWER GUNS.

I am in receipt of numerous complaints regarding the danger arising from the use of the high power guns. The arguments against the use of the high power gun being that because of the thick undergrowth in Pennsylvania, hunters are not often able to see game or secure a shot, at a greater distance than that at which black powder would be effective and that therefore the use of the high power guns is unnecessary and exceedingly dangerous. While we have been to a great extent relieved of danger to human life through the passage of the law compelling hunters to look before they shoot at deer, there is still danger threatened through the reckless use of this gun and this reckless and thoughtless shooting should be controlled in some way.

This fall I heard a number of shots, sometimes fifty or sixty or more fired in one day upon a certain mountain in the neighborhood of where I was located and concluded that the men hunting in that section were, to use a common expression "shooting at hair and looking afterwards." I did not believe they could raise bucks enough to shoot at in that way; an investigation of the matter showed these men were shooting at pheasants as they arose around them while they were making drives for deer. One man said: "Oh! we have lots of ammunition and chuck a ball after every bird that gets up; the more noise we make the better." With the result that balls from high power rifles were flying by the dozens in all directions, the only wonder to me being that numerous accidents to hunters were not reported from this section. This reckless use of guns, it seems to me, should be prevented if possible.

BOUNTIES.

I sincerely believe that no law upon our statute books has done more good for the cause of game and wild bird protection than the bounty law, passed by our Legislature in 1907. The passage of this measure in my opinion having been made possible by the energetic action of Mr. Kiess, of Lycoming county, who introduced this bill and the appropriation wherewith to meet the demands made under the provisions of said act, in the sessions of 1909 as well as in 1907.

I have among my acquaintances and among the many citizens of the State who are helping to maintain the laws relative to game and wild bird protection, a gentleman, a resident of Freeland, Luzerne county, who has made a special study of the weasel and its habits, and who during this study, covering a period of some twenty years or more has captured and killed something like two thousand of these animals. He tells me many things that I have never read and never heard of before from any source. In Natural History I read that the weasel is an animal in many instances disposed to kill wherever it may be possible, simply because of its love to slaughter. Mr. Malloy tells me the weasel kills in every instance *because it is hungry*. He says he has known of instances where domestic fowls, chickens, ducks, turkeys, etc., have been killed in numbers ranging from two to three or twenty or more by a weasel in a single night; that in every instance all the blood was drawn from the animal killed and that within a limited time, after the last killing, he had in turn killed the weasel and invariably found the stomach empty. In cases where the fowls were confined when killed he has found in one corner of the coop or pen a pile of excrement, more in the form of coagulated blood than digested matter, in slugs about an inch long and in circumference about that of an ordinary lead pencil. He tells me the weasel never rests, except at its established home, that he has followed the tracks of these animals for many miles and has never known one to stop outside of its fixed abode, except for the purpose of killing. He has known one weasel to kill seven rabbits in a single night and has followed the tracks through snow back to its established home, finding everywhere along the route these before-mentioned tell-tale slugs of excrement. He says, he has frequently attempted to hold weasels in captivity and has never succeeded yet in keeping one longer than thirty-six hours without food, every one dying shortly after or about that time apparently of starvation. Upon one occasion he caught a weasel and speared it through the neck with a steel wire, this in a wire rat-trap, causing it to bleed to death, the creature lapping its own blood until it fell dead. An examination made a few minutes after death and while the body was still warm showed that the blood taken into the stomach had already left that organ and was in the intestines, all together going to show the wonderful digestive powers of the weasel, and its destructive disposition, no matter what its reason for killing may be, and showing beyond a doubt that vast numbers of lives of different kinds must be sacrificed to meet the demands of one single weasel.

I am interested in an island property, containing something like one hundred acres cultivated and uncultivated, in the Susquehanna river a few miles above Harrisburg; within the last few years we have placed upon that island a number of Belgian hares, a number

of English pheasants, and a large number of imported quail; I saw upon that island fully one hundred quail two or three years ago. None of the Belgian hares or English pheasants were killed through the use of a gun, yet they disappeared; not more than a half dozen quail were killed through the use of a gun, yet these birds refused to stay upon the island during the night-time, frequently feeding there during the day-time and invariably going to the Perry county shore to roost every night. Food in the form of buckwheat, millet, Hungarian grass, etc., were provided for them in abundance, everything possible for the protection and preservation of these birds was done, even shooting at a mark being prohibited. The native rabbits, of which there were many on the Perry county shore, came to this island when the river was frozen over in winter time, and in the spring-time and early summer numerous tracks of rabbits both big and little were seen in the sand, these tracks gradually disappearing until but few could be found, and not one rabbit could be routed in a day's hunting, even with a dog. Muskrats of which there were hundreds a few years ago have been so reduced that it is now almost impossible to find a place where one is located. Within two months from this time we have accidentally discovered that our island was headquarters for one or more bob or wild cats, so we concluded that wild cats and game do not go well together, and planted the island this fall with fruit trees, trusting to said cat or cats, as there might be, to keep the island clear of rats, mice and rabbits. I cite this simply as an illustration of what one cat or a family of cats can do, and what vermin such as foxes, weasels, skunks, minks, the great owl, certain hawks can and will do. An examination of the claims made upon the fund appropriated by the Legislature of 1907 for the payment of bounties showed that one man a resident of Huntingdon county received something like \$1,600 of that fund. Investigation conducted from this office showed that these claims were justly made and that the applicant was entitled to every dollar he demanded. Remember that the bounty was placed on but four animals and at the following rates; the weasel, one dollar; the mink, one dollar; the fox, two dollars; the wild cat, four dollars. One cannot but be lost in astonishment when he considers the conditions in a county where such a taking of scalps could be possible, and in considering the vast number of beneficial birds that surrender their lives to support this crew. If our Naturalists and Zoologists are correct in their estimates of the value of bird life, it seems to me that this appropriation, as made by the Legislatures of 1907 and 1909, was money well expended, and I feel that double the amount given for this purpose should be secured in some way, thereby making it possible to cause the killing not only of the annual increase of this class of destroyers, but to make it possible also to exterminate the original stock, and to keep it up from year to year until the bounty was unnecessary.

This brings me to the question of how this situation can best be controlled. A number of writers upon the subject have been lately considering the causes that lead or might have lead to the existing scarcity of game and wild birds, some claiming that the whole trouble is directly attributable to the market hunter, and asserting that unless the sale of game of all kinds was absolutely prohibited the time will come, and that very shortly too, when there will be no game within the limits of this Commonwealth for sale, or for any other purpose. They cite the disappearance of the vast herds of buffalo, of the flocks of wild pigeons, too numerous to be counted; they refer to the rapidly disappearing wild water fowl, and to the fading herds of elk, mountain sheep and of bear, as examples of what can be done by the man with the gun. Others claim that the gun used legally or illegally takes but a limited portion of the vast number of game-birds or mammals brought into existence, attributing the disappearance of the great majority of creatures of this kind, to disease and to what is know as vermin, including predatory creatures of all kinds, animals such as the fox, wild cat, weasel, mink, opossum, skunk, coon, rats, etc. Birds such as the horned owl, barred owl, sharp shinned hawk, Cooper's hawk, the goshawk, reptiles of all kinds, turtles and even frogs. I have already spoken of what a weasel and wild cat can do, and need not repeat. I have heard from good authority of a turtle having destroyed a flock of young ducks; and have in mind a case recently called to my attention by a minister of my acquaintance who heard one of his little chickens peeping pitifully, and found upon examination that it was partly swallowed by a large frog; I know from experience what a rat can do. So that taking all together and considering the arguments advanced by both sides in this controversy, I think both sides are to some extent right. The disappearance of the large animals cannot be charged to vermin, but must have resulted alone from the work done by a man with a gun, admitting the great destructive qualities of vermin where it is possible for them to get in their work. I think it would be well for us to exterminate vermin, and to also put a stop to market hunting until such time as our game has sufficiently increased when the proposition of sale could be well considered. The idea advanced by some of these writers that this feature of the law forbidding the sale of game, is directly responsible for existing conditions; viz., the scarcity of game, and the claim made that, if the farmers of this State and nation were permitted to sell the game that they might kill upon their respective properties, they would at once exterminate vermin and profit thereby, seems to me to be the veriest nonsense. Theory is one thing, practice is another, and I have never known in all my experience a half dozen farmers, unless they had sportsmen blood in their veins, that would spend one minute of their time or a cent

of their money to protect or preserve game that might be found upon their premises and that might through the use of legs or wings, pass to an adjoining property and become the property of the owner thereof. Game belongs to all the people and no arrangement should be permitted through which some of those in interest could be deprived of that ownership.

Again climatic conditions that might apply to North Carolina quail would not apply to Pennsylvania quail. Quail in North Carolina are not called upon to meet the same conditions of weather that quail are called upon to meet in this State. Birds may be never so plentiful in the fall in Pennsylvania, when along comes a series of snows covering the ground, we will say to a depth of six or more inches and lasting for a month or six weeks as a matter of course reducing the food supply of the quail, this is followed by two or three days of rain ending in sleet and followed by zero weather, or, following this zero weather is drifting snows. In the first place the reduced food supply consequent upon the snow has reduced the vitality of the birds so that when the rains begin they sit huddled together not caring to move for the first twenty-four hours, even though their stomachs are empty, then if they do move they find but little to eat, no more than before the rain began, and then, with every feather dripping, with empty stomachs, chilled to the bone and still more greatly reduced vitality, they huddle again to die of cold or are smothered by the drifting snow that may follow the zero weather. I speak from experience in this matter and have seen more than one covey of quail frozen in the sleet, I have seen the remains of quail in the spring time along stump fences and under brush piles when the drifts had gone. No power on earth can save these birds at such a time, unless it be the trapping of them and feeding them in captivity, as recommended in our circular entitled "Save Our Birds" before mentioned. I assert that unless quail, during such winters as referred to, are trapped and kept in coops until the spring time comes there is but little likelihood of preserving any of them. If vermin could be absolutely exterminated; if our farmers would take an interest in feeding and caring for quail and game found upon their premises, it might be that the sale of some game could be permitted. I am afraid though, that neither of these conditions will be secured. Our game, if preserved at all, must be preserved in some other way, how that shall be done is the question. For many years the Game Commission has been striving to secure an appropriation for the purpose of propagating and buying game wherewith to restock depleted covers. Up to this hour we have failed, and it seems to me that the time has come when some other method must be resorted to. It seems to me that the most feasible possibility is that afforded through a resident hunters' license.

RESIDENT HUNTERS' LICENSE.

I understand that some eighteen or more States in this Union, including New York and New Jersey, have already adopted measures imposing a license upon all persons who hunt within the limits of said States, in amounts varying as fixed by the Legislatures of each State; the fund thus secured, being used for the purpose of game protection and preservation and propagation. It seems to me that this is the key controlling the entire situation.

I am informed that the Department of Forestry issued six hundred and ten permits to camp upon State lands, the average number of men in each camp being five, this making a total of three thousand and fifty men who camped and hunted upon State lands. These men were all hunting with rifles; fully that number of men also hunted upon State lands with rifles during the same period without camping thereon, making six thousand one hundred men upon State lands. We are satisfied that fully that number if not more hunted with rifles upon other lands within the State, those belonging to private individuals, making an army of more than twelve thousand men that hunted with rifles in Pennsylvania. We believe we are perfectly safe in saying that fully one hundred and forty thousand men hunted in this Commonwealth with shotguns during this fall. Pennsylvania in 1900 had a population of 6,300,000 in round numbers; it is estimated that but one individual in every forty of the population engages in hunting, so it seems to me there is no question that there was at least one hundred and fifty thousand who hunted this year in one way or another in Pennsylvania.

Through a resident hunters' license of \$1.00 from each one of these men a fund of \$150,000 could be raised that would pay for competent and intelligent game protection; it would establish and maintain preserves such as I have before mentioned up to the number of thirty if necessary; it would buy deer and other game for restocking purposes; it would pay a bounty far exceeding anything ever thought of in Pennsylvania for the extermination of destructive birds and animals, and it would in addition create a fund that would enable the Game Commission to say to farmers, we will pay you at the rate of three or four dollars per dozen for every dozen of quail you may trap, up to a fixed number, care for them during the winter and release them in the spring time. *If you will open your lands to public hunting; if you do not open your lands nothing will be paid from this fund, as it belongs to the hunter.* This proposition it seems to me is absolutely fair and nothing else; the man who hunts is asked to pay and no other person, and the money thus secured is applied to his use alone. Under present conditions thirty-nine men, who do not hunt, are asked to contribute to the pleasure or benefit of the one man out of every forty that does hunt, or money in the State Treasury in

which each of the forty men are interested is appropriated to the use of one man. This same thing applies to fishing, to good roads, and to many other propositions now before the people. I have been making careful inquiry regarding this matter for several years and find that the great majority of sportsmen of this Commonwealth believe this resident hunters' license law to be the only solution of this problem based upon equity, fairness and justice and desire that such a law be enacted in this Commonwealth. As a protection to the farmer and to the land owner nothing has yet been suggested that begins to compare with this proposition and the farmers in States where this provision has already been adopted are its strongest supporters. The farmer may to-day post his lands under the provisions of law, still that land is over-run with hoodlums and small boys, chiefly because many of these people come from long distances and cannot be identified. Under the provisions of a resident hunters' license all persons when hunting would be required to carry his license and expose it to view upon demand made by a person owning or controlling the land. He would be compelled to carry a number in the form of a button, conspicuously displayed, so that it might be easily seen, as automobiles are now compelled to do; then the person who tears down fences, starts forest fires, shoots stock or poultry, steals fruit or vegetables could be identified and punished. The refusal to show one's license would, of course, be followed by penalties imposed, so that the farmers who to-day claim they are absolutely without protection against hunters would be insured against deprecations of this kind in a way unheard of before, and to an extent that could be secured in no other way or through the outlay of any amount of money.

WORK OF THE GAME COMMISSION.

I feel that considerable has been accomplished by the Game Commission during the year just past, more through the education of the people along correct lines, than from any other cause. There are some defects in the now existing laws that should be corrected. It has been my constant and persistent effort since I was called to fill the position I occupy to prevent even the semblance of persecution or unjust prosecution for any purpose by any officer of the Commonwealth under our control, and to especially prevent such persecution or prosecution for the purpose of collecting revenue. I have recalled the commission of several officers during the past year whose work appeared to indicate that their purpose was directed more to the collection of dollars for their own profit than to the enforcement of the game law for the benefit of the State because of the value of bird life to the people.

THE HOUK CASE.

I desire to state for your information that Rocco Racco, the man convicted in Lawrence county for the killing of Seeley Houk, our Game Protector was executed during the last fall for this crime, the Board of Pardons declining to recommend lienency and the Governor refusing to interfere in any manner with the sentence as imposed by law. This to my mind justly concluded and settles this case.

THE STATE POLICE.

I cannot commend too highly the work of the men belonging to the organization known as the State Police or to urge the necessity of increasing their members. While because of their extended duties covering many subjects, I do not think it would be well to place the entire work of game protection in the hands of these men, as suggested by some, I have found their help to be of the greatest value to our work; limited even as their numbers are to-day, they are extremely effective and deserve the unqualified support of every sportsman in the State; I can see far better results accruing through the assistance that would come if an increase of that force was secured. I sincerely hope that the coming Legislature will view this matter in the same light.

ZOOLOGICAL DEPARTMENT.

I feel that I cannot close this report without calling to your attention the splendid work along lines of wild bird protection being done by the Department of Zoology under the direction of Professor Surface. If the agriculturists of this Commonwealth fail to secure benefit through the increase of song and insectivorous birds and seed destroyers, such as the dove, it seems they alone will be to blame, as this Department, under the direction of its most efficient head, is constantly, by circular and bulletin and by public address trying to impress upon all of our people the value of the life work of our wild birds other than game birds, and to have them understand that the killing of these birds upon any farm means increased labor, sweat and blistered hands to those attempting to cultivate such lands. I feel that I cannot say too much in praise of the work done by this Department in the cause of bird protection.

THE FINANCIAL STATEMENT.

I desire to state relative to the matter of our finances that notwithstanding an unexpectedly heavy drain placed upon the fund at our command during the past two years ending June 1, 1909, because of trials in court, and payment made for detective service, we met

all demands and so managed the fund under our control that one quarterly allowance of \$3,000.00 remained unused at the end of the fiscal year and that we also returned to the State Treasury a check for \$51.80, the balance of money unexpended in our hands. It might be urged that we did not use all this fund at our command in a way that it should have been used, although the necessities of the occasion might have required it. This may be true, but I felt that it was better to be on the safe side in this matter and to be able to meet claims that might have been made upon us rather than to be upon the wrong side and be unable to pay such claims for which we would be responsible. At any rate the above is the result in this matter, and I assure you that no money was unnecessarily expended or thrown away simply because we had it.

Our appropriation for the two fiscal years beginning June 1, 1909, is identical with that given us in 1907. Our work up to this time has been conducted within the allowance; penalties and costs recovered since June 1, 1909, amount to \$8,633.05. We have in our possession or under our control two or three hundred guns, the sale of which will add to this fund already surrendered to the Commonwealth; our liabilities have all been met; all money paid out are accounted for in vouchers taken and turned over to the office of the Auditor General and approved before another quarterly allowance is drawn. Our work has resulted in an undoubted increase of bird life, especially those birds classed as wild birds other than game birds in this Commonwealth, the value of whose life work to the people of the State at large cannot be measured. It has resulted in a large increase in this Commonwealth of game birds and animals and therefore in the incentive to recreation. It has resulted in the destruction of many predatory creatures. It has effected a saving to the State from loss through forest fires. It has secured protection to our farmers through the limiting of that time during which hunters may traverse the woods and fields in this Commonwealth. In the protection of sheep, cattle, horses, etc., through the prevention of dogs running at large and especially has that effort secured peace and happiness to many of our people through the enforcement of the act of May 8th, 1909, prohibiting the unnaturalized foreign born resident to have in his possession a gun in this Commonwealth.

I submit this for your consideration.

Respectfully submitted,

JOSEPH KALBFUS,
Secretary of the Board of Game Commissioners.

FINANCIAL STATEMENT.

Fourth Quarter of Appropriation:

July 25th, 1908 to November 10th, 1908.

Dr.

To general appropriation,	\$3,000 00	
To balance of preserve account on hand, ..	417 87	
To amount of fines on hand from third quarter,	156 60	
To amount of fines and costs received,	2,626 27	
To certificate fees,	25 00	
To cash paid out and returned,	3 47	
		<u>\$6,229 21</u>

Cr.

By protectors' services and expenses and office expenses,	\$3,078 55	
By amount of penalties returned to prose- cutors,	644 63	
By deposits in State Treasury,	2,132 74	
By expenses, preserve account,	109 72	
		<u>5,965 64</u>
Balance cash on hand,	\$263 57	
		<u><u></u></u>
Balance in preserve account,	\$308 15	
Amount overdrawn on appropriation,	78 55	
		<u><u></u></u>

Fifth Quarter Appropriation:

November 10th, 1908 to January 30th, 1909.

Dr.

To general appropriation,	\$3,000 00
To balance in preserve account,	308 15

To amount of fines on hand from last quarter,	12 50	
To amount of fines and costs received, ...	1,609 50	
To certificate fees,	64 87	
		<u>\$4,995 02</u>

Cr.

By protectors' expenses and services and office expenses,	\$2,999 54	
By one-half of fines returned to prosecutors,	413 12	
By deposits in State Treasury,	1,208 75	
By expenses on preserve account,	40 00	
By fines collected unjustly and returned,..	50 00	
		<u>4,711 41</u>
Balance cash on hand,		<u>\$283 61</u>

Balance in preserve account,	\$268 15
Balance cash on hand, total,	15 46
Balance cash from general fund,	46
Cash on hand from fines,	15 00

Sixth Quarter of Appropriation:

January 30th, 1909 to April 30th, 1909.

Dr.

To general appropriation,	\$3,000 00	
To balance in preserve account,	268 15	
To fines on hand,	15 46	
To fines and costs collected,	660 14	
		<u>\$3,943 75</u>

Cr.

By protectors' services and expenses and office expenses,	\$2,899 85	
By one-half of fines returned to prosecutors,	182 00	
By expenses on preserve account,	80 91	
By deposits in State Treasury,	423 14	
		<u>\$3,585 90</u>

Balance, cash on hand,	<u>\$357 85</u>
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Balance in preserve account,	\$187 24	
Balance on hand from fines,	70 46	
Cash on hand, general fund,	100 15	
	<hr/>	\$357 85

Seven Quarter of Appropriation:

April 30th, 1909 to July 16th, 1909.

Dr.

To general appropriation,	\$3,000 00	
To balance from the sixth quarter,	100 15	
To amount of fines on hand,	70 46	
To balance in preserve account,	187 24	
To amount of fines and fees for certificates collected,	514 19	
	<hr/>	\$3,872 04

Cr.

By protectors services and expenses and office expenses,	\$2,893 51	
By expenses on preserve account,	88 50	
By one-half of fines returned to prosecutors,	125 00	
By deposits in State Treasury,	431 69	
	<hr/>	3,538 70

Balance cash on hand,	\$333 34
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Balance in preserve account,	\$98 74	
Balance in general fund,	206 64	
Fine collected by C. S. Lowry to be returned,	25 00	
Balance, cash on hand,	2 96	
	<hr/>	333 34

First Quarter of Appropriation:

July 16th, 1909 to October 29th, 1909.

Dr.

To warrant on appropriation,	\$2,550 00	
To penalties and costs collected,	5,340 02	
To fees for licenses collected,	41 00	
To balance from former quarter,	333 34	
	<hr/>	\$8,264 86

Cr.

By current expenses for quarter,	\$2,547 70	
By deposits in State Treasury,	4,929 02	
By penalties returned to prosecutors,	452 50	
By expenses on preserve account,	50 00	
		<hr/> 7,979 22
Balance, cash on hand,		<hr/> \$285 64
Balance in preserve account,	\$48 74	
Balance, general fund on hand,	233 94	
Balance, cash on hand,	2 96	
		<hr/> 285 64
		<hr/> <hr/>

Second Quarter of Appropriation:

October 30th, 1909 to December 13th, 1909.

Dr.

To warrant on appropriation,	\$2,500 00	
To penalties and costs collected,	4,158 71	
To fees for licenses collected,	48 25	
To balance from last quarter,	285 64	
		<hr/> \$6,992 60

Cr.

By current expenses for quarter,	\$2,706 32	
By deposits in State Treasury,	4,024 46	
By penalties returned to prosecutors,	145 00	
By penalties collected and on hand,	37 50	
		<hr/> 6,913 28
Balance, cash on hand,		<hr/> \$79 32
Balance in preserve account,	\$2 95	
Balance, cash on hand,	2 96	
Amount overdrawn and paid out of general fund,	206 32	
		<hr/> <hr/>

Statement of penalties received prior to June 1st, 1907:

To total of accumulated fines and penalties to June 1st, 1907,

\$4,420 98\$4,420 98

By attorney fee to John Garman, Wilkes-		
Barre, Commonwealth vs. Red Rowe,		
charge murder,	\$1,000 00	
By combined increase of salaries for twenty		
months,	3,049 98	
	<hr/>	4,049 98
		<hr/>
Balance, cash on hand,		\$371 00
		<hr/> <hr/>



ANNUAL REPORT

OF THE

GAME COMMISSIONERS

OF THE

STATE OF PENNSYLVANIA,

ALSO A REPORT OF THE

CHIEF GAME PROTECTOR

TO THE COMMISSION

FOR THE YEAR 1909.

HARRISBURG:

G. E. ADKINSBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1911

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1911



REPORT OF THE BOARD OF GAME COMMISSIONERS.

To His Excellency, Edwin S. Stuart, Governor of Pennsylvania:

Sir:—In compliance with the Act of June 25, 1895, creating the Board of Game Commissioners of this Commonwealth and prescribing its duties, we herewith respectfully submit to you our report of work done through and under our direction during the year intervening between December 1, 1909, and December 1, 1910, and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us, and from a personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds, classed as wild birds other than game birds are increasing in this State, and the benefit to the Commonwealth from this increase, from an economic point of view, is most marked.

Game birds appear to have increased very materially, in many sections of the Commonwealth. Ruffed-grouse are more plentiful than the apparent scarcity of old birds last fall and spring, gave promise of.

Turkeys have had a good hatching season, and in sections of the State, where they are found at all, are more plentiful than usual. Quail appear to have increased all over the State and in some sections appear to be quite plentiful. There is no doubt whatever about the very material increase of deer, and bear and rabbits, in that territory, whereon they are located. Through this increase of game, we feel that an incentive to outdoor exercise and recreation is supplied that cannot be secured through any other process. An experience in camp life and in handling and caring for firearms is secured that is of very great worth to our citizens, who indulge in hunting, through which they, as individuals, secure better health, and are, therefore, better fitted to fill the place allotted to each in his respective community. These things together, better health and therefore, better citizenship, joined to experience in camp life, and in the handling of firearms, appear to us of great value to the State, and to the

Nation, as they surely raise our standard of defense in time of trouble, in the shape of war, either from within or from without, far above that of any people who do not hunt. We feel that the presence of game is of great value as a food-supply to the State, and that hunting is a necessary adjunct to our national success, and that, therefore, the State owes it to itself to provide some method whereby game can be increased, either through additional protection, through the raising of game of different varieties in captivity for distribution, or through its purchase for the same purpose, from those who have raised it in captivity, or, through the increase of our public game preserves, such as are now found in three of our counties.

We, for many years, have thought it advisable to place all the game laws of the State under a single title, making said laws as plain and simple as possible, considering the necessities of the proposition. We believe that the season should, as far as possible, open upon the same day and close in the same way, making the season reasonable. With this purpose in view we had drafted and presented to the last Legislature a bill, that we hoped, would become the game law of this State. We did our best to secure this result, only to meet defeat, in many particulars, and are to-day overwhelmed, as in years past, with protests regarding the law, and suggestions regarding alterations. We are pleased to note that without exception these protests and suggestions, are in favor of additional protection and that the majority of suggestions are in accord with the idea of this Board, being exactly what we have been pleading for session after session, and this is most encouraging to us.

We desire to call your attention to the fact that the Act signed by your Excellency upon the eighth day of May, 1909, entitled: "An Act to give additional protection to wild birds and animals and game within the Commonwealth of Pennsylvania; prohibiting the hunting for, or capture or killing of, such wild birds or animals or game by unnaturalized foreign-born residents; forbidding the ownership or possession of shot-gun or rifle by any unnaturalized foreign-born resident, within the Commonwealth; and prescribing penalties for violation of its provisions," has been pronounced "*constitutional*," by the Superior Court of this State. This Act by taking from aliens to power, to not only wrong the State, through the killing of our birds, but also to wrong one another, violently, through the use of firearms, has brought untold peace and rest, not only to our bird-life, but to the people in whatever community these aliens may be found. The passage of this law was, in our opinion, a step in the right direction.

We feel that this subject of game and wild bird protection means more to the Commonwealth than many other subjects to which greater attention is paid, and for the improvement of which much larger appropriations are made.

We feel that if the State is not in position to make a generous appropriation to this use, from funds received in the ordinary way, she should see to it, that those who hunt, and who are willing to do this thing, should be given the privilege of contributing to a fund for this purpose, through a system of licensing those who may choose to hunt in this Commonwealth. The fund thus arising going to reimburse the State for any outlay she may make through appropriations, for *strictly*, game or wild bird protection and preservation.

We view with deep regret our extensive lands, that with proper care and foresight, should, at this time, be covered with growing timber. We note the dry parched bottom of rivulets and springs, that never ceased to flow, so long as our hills were covered with growing trees. We note the disappearance of fish, and until recently, the rapid disappearance of birds, and cannot help but think, how much better it would have been had these subjects, years ago, received that attention, at the hands of the State, that they deserve.

We are pleading for improved conditions for our wild bird life, and for game.

We most heartily indorse the idea of a generous bounty for the killing of vermin, such as is named in the last bounty act—wild-cats, foxes, minks and weasels.

We call your attention to the financial statement as made to us by our Secretary.

Respectfully submitted,
J. H. WARDEN, *President*,

CHAS. B. PENROSE,
C. K. SOBER,
ARTHUR CHAPMAN,
LANING HARVEY,
JNO. M. PHILLIPS,

Board of Game Commissioners.



**REPORT OF THE CHIEF GAME
PROTECTOR TO THE GAME
COMMISSION OF THE
STATE OF PENNSYLVANIA
FOR 1910.**

Harrisburg, Pa., December 1, 1910.

To the Honorable Board of Game Commissioners of Pennsylvania:

Gentlemen:—It gives me pleasure at this time to be able to report to you that our work as a Game Commission has been rewarded to a very marked degree, through an increase of animal and bird life classed as wild, both game and otherwise, in this Commonwealth. I am sure that I have not seen, in many years, the number of song and insectivorous birds, that I have seen, during the past summer. In making this statement to you I am reiterating the statements and expressions used by many individuals, upon this subject, to me; these people coming from almost every section of the Commonwealth, and thus corroborating my personal observations. Sometime in July I had occasion to travel by trolley from Reading to Boyertown, a distance in the neighborhood of sixteen miles, and saw along that line more meadow-larks, than I could have counted in this State, had I traveled from one end to the other, three years ago. I have seen this same species of bird, in very many parts of the Commonwealth, and just as meadow-larks have increased, so have all our wild birds, other than game birds, not exclusively because of special effort in the line of arrests and prosecutions, made by officers of the Game Commission, or by other officers, whose duty it is to protect our birds and game, but instead, because the people are learning to realize the value of the life-work of birds, and to understand what the presence of these creatures means to each one, as an individual, and to all collectively, and are helping in our work. Boys and irresponsible men are not killing our birds and destroying their nests as was the habit of former years. Vermin of all descriptions is being exterminated, and protection accorded to bird-life that was not possible under former conditions; these improved conditions, together, resulting in a multiplication of this bird-life that is truly pleasing.

More conscientious observation of the game laws by those who hunt, no matter what the cause of this observation may be, joined to the killing of vermin, has resulted in a most decided increase of our game birds of all kinds, especially quail, that in some sections of the State, particularly in the southwestern part, have been reported, more plentiful than for many years. Early last spring more quail had been seen in our eastern counties than were expected; the presence of quail in numbers, were reported from many different sections of the Commonwealth, where but few quail, had been noticed for years past. The presence of some of these birds was reported even among the mountains, the majority of them, apparently appearing suddenly, as though they had come in the night, and the question is being discussed, in many sections, as to whether or not, quail migrate as do our robins, or meadow-larks, and other of our birds that live upon a mixed diet of insects and seeds. Without migration, it seems impossible to account for the presence of these birds in such numbers as they were found. Some have asserted, that just as they came suddenly, they would disappear, about the opening of the hunting season. This thought was entertained by many, but has not been sustained by fact, as quail were found in numbers in many sections of the State, throughout the hunting season just passed, and many still remain in the State.

I find that in many sections of the Commonwealth a most decided sentiment exists, that quail, and some of our other game birds, should be given absolute protection for a term of years, intending thereby, to increase our quail. Theoretically, this may be all right and sounds well, but from a practical standpoint, it seems to me to be all wrong. I am not actuated in this thought by any desire to kill quail, for I do not remember, at this time, of even shooting at one of these birds for more than three years; my only idea is to preserve, and to take such action as will tend to the real increase of these birds. Experience teaches me, that an act, creating a close season, for a number of years, would take from our quail, the interest and the help of their best friend—the sportsman—and would surely result in great injury, if not the total extermination of these birds, through the coming of one or more severe winters with sleets and snows, for quail are strictly ground feeders, and strange as it may seem, the farmers, the ones who derives the most benefit from the life work of these birds, are the last, unless they are also sportsmen, to take any interest whatever in them, when they need help the most. Instead, they are permitted to die of starvation, or to be smothered in the drifting snows, or to become the prey of vermin of some kind. Not one farmer in fifty has up to this time, turned his hand over in their behalf. It is otherwise with the sportsman, for many years past I have known men of this class, in many sections of the State, spend-

ing both their time and money in caring for quail and turkeys and other wild birds. Last winter I knew of many who did this, most of them being men of but ordinary means, still they did all in their power, to help the needy birds, both through the scattering of feed and the killing of vermin. I know of one gentleman living in Lewistown, who hired a horse and carriage, at least once a week, for more than two months, who bought buckwheat and screenings and other food and who traveled over a route of more than twelve miles, upon each trip, looking after and protecting nine covies of quail, that he had located. I know of numbers of gentlemen who cared for one or more covies of quail in this way, simply, that when the proper time came, they might enjoy a day's outing with gun and dog. Without this care, the majority of these birds would have surely died. A close season will take away the best friend of the quail. I fully realize that a statement of this kind sounds rather harsh, especially to those who do not hunt and who have never made a close investigation of this subject, nevertheless it is the plain unvarnished truth.

Hungarian Quail.

For some months past, I might say for years, I have been investigating the characteristics of both birds and animals imported in to this country from foreign lands, and am satisfied, that in many instances, protection to our own native birds and animals would mean more benefit, than could be secured through the introduction of any foreign species. With this idea in view, I have been collecting data specially relative to the qualifications of the Hungarian quail, and from what I have been able to learn, I feel satisfied that this bird, is no better suited to our climate, than is our own native bob-white. I have seen letters from different parts of Hungary, I have talked with natives of that country, and with people who have tried to introduce this bird into this country, and have invariably been told, that if these birds were *well fed* and *kept dry*, they would withstand the most severe winter weather, so will our own native bird. In several instances the method of feeding, the character and quantity of food to be used has been suggested. I failed anywhere in my investigation, to find anything going to support the idea that the Hungarian quail was a bummer, as are our ruffed grouse or wild turkey, that is, that in times of deep snow or lack of a food supply upon the ground, these birds could live upon buds, or leaves, as do the grouse and turkey, to the contrary, I am satisfied the Hungarian quail is not as able to care for himself in this climate as is the native bird. This belief appears to be that, held by many who have been investigating this same subject, and I frequently see statements in print, to the effect that Hungarian quail released in cer-

tain sections of this and other states, have not held their own, as it was hoped they would. For these reasons I believe that additional protection to our own native birds, in the manner recommended in our bulletin upon this subject, will result in more good to the Commonwealth, than will the purchase and distribution of any number of Hungarian quail.

Ruffed Grouse.

Ruffed grouse were reported quite plentiful in some sections of the State, and exceedingly scarce in other sections, where, heretofore, they had been found in numbers, but taking all reports together I believe there were more ruffed grouse in this State this year, than there were last year or the year before, that. I believe that a continuous close season for these birds would be beneficial. *If they can be given reasonable protection from vermin.* If this cannot be done, in my opinion the closing of the gunning season for any number of years, would, not only be unfair to sportsmen, but would result in no material benefit or increase to the grouse. These birds never freeze, or starve, for it is their pleasure to sleep in the snow drifts and to dine on the buds found in the tree tops, when the ground is covered with ice and snow. When the snow is crusted they sleep in some protected place safe from harm, out of the way of their special night enemies, such as the great horned owl, the barred owl and the snowy owl, which last named bird comes in numbers from the far north, during severe winters. During the day light of winter days, when the trees are stripped of their leaves, these birds are in far greater danger than at any other time, from attacks made by hawks of various kinds, especially the goshawk, that also comes from the north and that, with the snowy owl, seems able to discover without trouble, the exact locality in which grouse and other game may be found, the fox, the weasel, the wild cat, the mink, the house cat are constantly destroying day and night, from one year's end to the other, the crow in summer time, watching constantly, to rob the nest of its eggs, or to destroy the young, the only wonder is that we have grouse at all. I am satisfied that unless something is done in the near future to give additional protection to these birds, there will not be one left in the State in a few years, outside of public game preserves. It seems to me worse than useless to say that men shall not kill, and then stand idly by and see vermin do the work. I firmly believe, that if the sportsman with his gun and disposition to kill vermin, is taken out of the woods, the increase of predatory creatures of all kinds, will be noticeable to the most casual observer, within a very limited time. You, as students of this matter, understand it fully and I need not dwell longer upon it. I mention these facts simply for your consideration.

Wild Turkeys.

Wild turkeys have increased perceptibly during the past season; birds of this kind having been seen in considerable numbers, in different sections of the State, during the past summer and fall, where none had been noticed for a decade past, for instance a flock of several wild turkeys were seen in the game preserve near Mont Alto, in Franklin county, this fall. No birds of that kind had been seen in that neighborhood for many years prior to this date. I believe they are the product of two wild turkey hens purchased by the Game Commission, and released at what is known as the "Big Flats," in Adams county, about fifteen miles from where these birds were seen, one wild gobbler having been left in that section. I have directed that these turkeys be given special care during the coming winter.

Reports received since the close of the open season for wild turkeys this fall, indicate that a goodly number of these splendid birds have escaped the hunter; between this and next spring many of them, if the winter is at all severe, will have starved to death, many will fall victims to vermin, of various kinds, such as wild cats, foxes, horned owls, and then the limited number left, will have added to their army of persecutors, the hundreds of thousands of crows that infest this State, and that will follow the nesting birds early and late, destroying both their eggs and their young. The only wonder to me is, that we have wild turkeys at all, and I feel that strenuous effort should be made to not only feed these birds during severe winter weather, but also to give them additional protection from vermin, especially the crow. This can well be done through the resident hunters' license, referred to later on in this report.

Deer.

Deer are increasing rapidly and spreading throughout the woodlands all over the Commonwealth. As a consequence we have had more reports of deer having been run by dogs during the past spring than for several years, added together, prior to this date; this, to my mind, owing largely to the fact that because of the before-mentioned increase, deer have been compelled to scatter, and have gone into the dog country, rather, than that the dogs have gone into that section formerly frequented by deer. I am satisfied that many of these reported runnings by dogs have been because the deer are more plentiful than in the past; in many instances, going right down into the settlements.

The buck law, insofar as it affects the saving of human life, is working admirably, and in my opinion, should be continued. So far as I have been able to learn, *not one human being was either killed or wounded in Pennsylvania last fall in mistake for deer,*

there were, of course, accidents to deer hunters, and other hunters, but no human being was shot, either fatally or otherwise, in *mistake for deer*, while in other States, where deer could be killed regardless of sex, numbers of men were killed and many more wounded, exactly how many of these were shot in mistake for game, or how many were shot accidentally, I am unable at this time to state. This condition speaks for itself.

I have had a number of letters of complaint relative to deer feeding upon grain fields, in the early springtime; this again showing the increase of deer, and the fact that the parties complaining were not acquainted with the habits of this animal, otherwise, they would have known that deer would feed upon their grain, only, when it was young and tender, that they would prefer the tender shoots of the wild woods, to any other food, and also that the early cropping by any animal of winter grain is a benefit to that grain rather than an injury.

Aside from this, there is a condition that should receive the most careful consideration at your hands. For some time past, really beginning with that time, when this law, permitting the killing of male deer only, was passed, I have been in receipt of inquiries, both by letter and verbally, regarding the possible result of this provision, in the matter, of both the increase of our deer in numbers, and possible degeneracy. I have listened to many arguments upon this subject, and am in receipt of numerous opinions regarding it. It is a well-known fact that the strongest of males, either moose, elk, deer or fur-seals, through physical conflict with their fellows, maintain harems, from which the young and consequently weaker animals are driven. Dr. W. T. Hornday, one of the great naturalists of the world, writes that: "As a principle, I think it is entirely possible for sportsmen to kill off so many males of any given species of deer, moose, or elk, that a certain number of females will remain 'barren' each year, and what is worse, that the breeding will be done by young and immature bucks, instead of the finest and largest animals that nature produces. * * * This cannot be anything else than a serious matter. * * * I believe it is impossible for any one to say much to the purpose about the number of females, that naturally would constitute a proper harem, for white-tail deer; what I may say, should be regarded only as a guess, but think, that one buck should not have *more* than twelve breeding does in his harem, preferably six or eight.

"I think you will do well to keep a close watch on this phase of deer propagation, and when you find that it is no longer possible for sportsmen to bring out a goodly number of bucks of the first class each year, then you may be sure the time has come to take such measures as will give a larger number of bucks a chance to reach their finest development."

This opinion is from the highest authority, and is in accord with that given from many sources, relating to the breeding of domestic, as well as, wild animals, and it seems to me that it would be well to give this matter that consideration that it deserves, at this time, instead, of waiting until the force of circumstances, brings it to the front. It seems to me that the problem can well be solved through the creation of additional game preserves, or havens of refuge, such as now exist in three counties of the State, and in which bucks, as well as does, and game of all kinds, now find peace and safety at all times. A public game preserve in every county in which deer are found, would, it seems to me, settle this question for all time, in this way continuing that safety to the people, now accorded by law, and maintaining the deer both in numbers and stamina.

Through the passage of an act requiring resident hunters to secure a license, a fund for this purpose, as well as for many other purposes, could be secured.

Bear.

Bear are also increasing rapidly, and have been seen in sections of the State far removed from where such animals have been known to exist for many years. We have received many letters regarding the right to kill bear, such as may be frequenting cultivated sections of the State. Newspaper articles and scare stories regarding the ferocious disposition of this animal having, in many instances, wrought people to the point of organized crusades against the bear. Some of these reports, upon investigation, appear to be purely imaginary, existing only in the mind of the person who writes it, and who desires to earn his penny a line. Some of these reports were authentic, insofar, as the presence of a bear is concerned; still, I have yet to learn of a single instance wherein a bear, without provocation, attacked a human being, or has done any serious wrong in this State. The bear is a timid animal, and will run every time, if given the opportunity.

I am also in receipt of many letters, and also verbal communications relative to the trapping of bear, and would not be surprised to see several bills upon this subject before the next Legislature. These letters are from different directions, and are written for various reasons. Some of them from people actuated by humane reasons only; some from sportsmen, who desire to see a bear in the wild woods, and who complain that because the man with a trap takes many of these animals, he, the man without traps, is compelled to satisfy himself with a view of tracks. Some of these complaints are received from hunters of game, other than bear, who assert that the bear-trap should be eliminated, because it is dangerous, some insist, that a limit of one or two bears to the hunter during one season,

as proposed by the bill of the Game Commission, before the last Legislature, is all sufficient, and it seems to me a measure of this character would reach, and to a great degree satisfactorily effect, each of the complaints made. I have in my possession reports from last year of bear being trapped in numbers ranging from two or three, to seven or eight, and even eleven, in one case, by one man. If a reasonable number only, could have been taken by each person, and when that number had been reached, the law compelled the removal of the traps from the woods, each one of these complaints—the humane, the destructive, and the dangerous phase of the question—would have been affected. The many letters received upon these subjects: the taking of bear through the use of traps; the running of deer by dogs; the running of small game, especially rabbits, by dogs out of season; the many, very many letters received relative to additional protection to wild birds, other than game birds; the words of welcome, and the handshakings given to our officers everywhere throughout the State, shows conclusively a very great change in public sentiment regarding the work of the Game Commission, and to me, this is most encouraging. It requires no great stretch of memory to recall a very different reception accorded our officers, when they, in years past, entered a community of this Commonwealth. Information of violations was given, if given at all, in the strictest confidence, by a limited few, while the majority looked upon us as pirates or blood-suckers, whose sole purpose and desire was to filch hard-earned dollars from the pockets of good citizens. To-day, owing to a better understanding, we are more cordially received, and in many instances, publicly helped in our work; these facts resulting in a reduction in the number of violations, and better conditions generally. Complaints regarding the destruction of birds, and their nests; the throwing of stones at birds by small boys, and the killing of such birds through the use of small rifles, are but seldom received, the people apparently understanding the value of the life-work of these birds to each one of them. Instead of this, boxes and homes for the birds are being erected all over the State, and the nesting bird, outside of its artificially prepared home, is protected.

Many people are learning to place the house-cat where it belongs, at the head of the list of vermin, and one of our greatest bird destroyers, and to study all questions relative to birds carefully and from an economic point of view, instead of being actuated by impulse and sentiment alone, as they have been for many years past.

Sale of Game.

With deep regret I am compelled at this time to call your attention to what seems to me, to be a most illy considered attempt to increase our game; the main incentive to this increase being profit

in dollars and cents to those who may kill the birds; this profit to be realized through the sale of the same. It was my fortune in my younger days, to travel into the far West, and to remain in that country for a number of years. I entered that country in 1869, and left it in 1876. When I crossed what was known as the Prairie's, prairie chickens were found everywhere. After crossing the Missouri river, I found buffalo and antelope in vast numbers, covering the plains; no protection was accorded by law, to either of these creatures, at that time. While in that country, I frequently met men whose business it was, to hunt and kill prairie chickens, buffalo and antelope for sale. I noted their methods, and saw the result of their efforts. In the spring of 1871, I saw at Old Fort Collins, in Colorado, four hunters, armed with the then new, Sharps' rifle; these four men together with their helpers, skimmers, etc., had killed that winter and the preceding fall for the hide and tongue alone more than 7,000 buffalo. Excepting the limited quantity of meat needed for local consumption, the entire carcass, had been left where it happened to fall. These four men with their outfit, had followed the herds of buffalo through Wyoming, Colorado, Nebraska and Kansas, and back again into Colorado, and this was but one, of many such parties. I saw antelope, by the carload, being shipped to eastern markets; I saw prairie chickens, by the carload, shipped east; I saw barrels upon barrels of nothing but the breasts of prairie chickens salted, and partly smoked, packed for shipment. To-day, the buffalo, the antelope and the prairie chicken, are almost gone. Some twenty years ago I met in Harrisburg two men who were professional market-hunters; they were on their way south, following the flight of woodcock; they told me they had been shooting, during the summer and early fall, in Crawford, Erie and Warren counties; they expected to go into New Jersey, and then into North Carolina, and so on to Florida; they had followed this route for years, for the special purpose of killing woodcock for the market, and incidentally, shot such quail and ruffed-grouse for the same purpose, as presented themselves. Some years ago I found one man in Bedford county, who had killed twenty-one birds that he termed "short-nosed woodcock," (in reality young grouse), in one day in July, and had sold them to guests of the Bedford hotel, a summer resort. Many men, follow our ducks in the same manner, the increase in price received making a full return for the decrease in numbers killed. Woodcock and wood-duck are apparently, almost exterminated. These birds have decreased so rapidly in numbers, that the Biological Survey, Washington, D. C., saw fit, a few years ago, to issue a special bulletin relative to this condition, they have also issued bulletins in the interest of additional protection to egrets; certain preserves have been purchased, reservations are being made for the protection of these, and other birds, that until recently had been killed everywhere,

for profit. Societies are being formed to discourage the wearing of wild birds' feathers for ornamentation, the purpose being to protect the living bird, through the taking away of profit, to those who would otherwise kill them. Many of the State courts, and the Supreme Court of the United States have ruled upon this subject. In the case of *New York vs. Waldorf-Astoria Hotel*, the Supreme Court of New York ruled, among other things: "That the State had the right to forbid the sale of game killed outside of that State because of the *similarity* of the game in question," with that found within the state, and concluded by saying: "It may close the game markets through the state, during the period of prohibition, in order to remove temptation from poachers and pot-hunters, who would not kill game out of season if they can not sell it." In the case of *New York vs. Silz*, the Supreme Court of the United States ruled that the state had the right to forbid the possession of game *killed outside* of the State, although the game in question was of a kind *not found* in a wild state in New York. Profit to the hunter, of local game, being the point aimed at.

Our wild pigeons have entirely disappeared, few of late years having been killed by man; still, they are gone. When I was a boy wild pigeons seemed to be everywhere, now none are to be found at all. These birds used to supply food for thousands, I might say millions of men and predatory birds that followed them up and down this continent in their migratory flight. They also supplied food for thousands of predatory animals found in that location, where they attempted to roost and nest; some of this predatory horde was feasting on pigeons, both by night and by day; yet, because of their vast numbers and almost unlimited increase, no perceptible decrease, through the killing of these birds in this way, appeared for many years, and possibly, never would have appeared, had not a condition presented itself, through which the demand exceeded the production; that time did come, when for some unknown reason vast numbers of wild pigeons disappeared, suddenly, because of disease, or storm, or enemies, *after which the supply failed to meet the demand*. The original stock was destroyed, little by little, slowly at first, then more rapidly, and still more rapidly, as they decreased in numbers, until not one single bird was left. Profit the incentive.

Some years ago certain gentlemen in Harrisburg clubbed together and purchased a number of living quail in the state of Kansas; the birds were brought to Harrisburg, and divided among those who had paid for them, the birds were released in different sections of this part of the State. One gentleman, a friend of mine, when asked the following year about the success of this undertaking, said to me: "I received my share of those birds all right, and released them on my farm in Perry county, where they hatched beautifully; I saw

three or more flocks of young birds, during the summer time, when the fall came and the hunting season opened, a certain Harrisburg market-hunter (giving name), got in his fine work, and sold the birds to a certain party living in Harrisburg (giving name), the Harrisburg man, last-named, got the birds, the hunter got the cash, and I had the experience. I will never do a thing of that kind again." Here again profit to the professional hunter, lead to the extermination of those imported birds, and also their increase. This new idea of increasing our game through making the killing of game more profitable, than it is at present, is a proposition I fail to understand. The idea of having more men take an interest in raising quail, that they may profit through the sale thereof, sounds all right and is quite catchy; but, to my mind, will not work out in practice. Some years ago when the Wilson tariff bill was being considered in Congress, I had a friend who was loud in its praise. That measure seemed to him, to be the one thing, necessary to make this country bloom as the rose, and to prosper above all other lands. After the passage of that measure, and its consequences, this friend, was fair enough to say to me: "I cannot understand how this could possible have occurred; theoretically, this bill was absolutely perfect, it was drafted after the most careful consideration, by some of the greatest minds of the nation. I must admit, that in practice, it seems to be a failure." This new proposition of game increase appears to me, to be wrong at both ends; it is neither theoretically, or practically correct. The effect of the sale of game has already been proven beyond the question of a doubt, and needs no further demonstration.

Quail, wild turkeys and ruffed-grouse, are no more difficult to raise in captivity than are woodcock or egrets, and while they may not move as far, in there migatory course, as do woodcock and egrets, they do move, from one place to another, sometimes traveling many miles. If the farmer, or his tenant, for any reason is permitted to sell the quail found upon his property to-day, what would be the result? To my mind, it would be speedily exterminated, nothing else. In my opinion, knowing the farmer, and especially the tenant farmer, as I do, I am satisfied, there would not be one single living quail, or ruffed-grouse, or wild turkeys, found in this State at the end of two years. They would be absolutely exterminated, for the limited profit, to some one. either farmer or market-hunter, that might be secured through their killing. There is not one farmer in fifty, who would feed the quail found upon his property, because of the possibility of their wandering to an adjoining farm, upon which they might be killed, by the person occupying that farm, to his profit. They would be killed to the last bird by many of the tenants, upon the farms, the majority of whom stand ready at all times, to take everything, from

their rented places, that can possibly be converted into cash, to their profit. Farmers and market-hunters, whether they are the owners of the land or not, would get in their work continuously, without fear, because, they know there would be no method of identifying the birds found in their possession, even if they were arrested and prosecuted. The poacher knows that but few farmers, if any, would be willing to prosecute, wasting either their time or their money, in pursuit of uncertainties, and running the risk of having possible bills of cost to pay, and in addition, possible suits for damages for false arrest, if they failed to convict. With many equally vital reasons, and last, but not least, the undermining of the principle upon which all game law seems to be based.

The Supreme Court of the United States has ruled repeatedly:

"That the wild game of a state belongs to *the people in their collective capacity.*"

"That the right to preserve game flows from the undoubted existence of a police power to that end."

"That it is the *duty* of the State to preserve for its people a valuable food-supply." And,

"*That the test as to whether the police power is validly exercised is whether the enactment has relation to the public welfare.*"

If it was constitutional, to say that the land-owner, could kill wild game on his own land for sale, while the town man was denied this privilege, it would also be constitutional, to exempt the land-owner from any other provision of the game laws. The right of the State to legislate upon the subject of game protection would be taken away, for game would then be the personal property, of a man upon whose land it might be found, and its protection *would not have relation to the public-welfare.*" The fact of a *joint ownership* in game would be annulled, the foundation upon which the whole fabric of game protection is founded, would be destroyed, and the door opened for all manner of legislation. The man of means could buy or lease lands, upon which to hunt at his pleasure; clubs of reasonably well-to-do people could lease whole townships for the purpose of hunting, to the exclusion of the man financially unable to pay for this privilege. These conditions and questions must be met, they cannot be avoided.

With all these examples, and they are only a few of the many, that might be cited, before the eyes of those who pretend to understand this subject, they still propose to make game private property, with all that means, and to turn loose upon the *limited* number of game birds, now found in our cover—quail, wild-turkeys, ruffed-grouse, and others—the *unlimited* hordes of men, who would kill *for profit*. I can see only extermination, from my point of view, for all our birds, game or otherwise, and every animal that can be sold, for

either money or barter. I desire to say, in this connection, that I am not attempting, in any way, to curtail the sale of game that can be raised *strictly in captivity*, within the limits of an enclosed preserve, as authorized by the Act of May 1, 1909; my entire argument is aimed at the sale of *game raised and killed upon the open lands of the Commonwealth, game that can come and go at will from the possessions of one individual to that of another*. I am very much afraid too, there is, back of this most virtuous effort, to benefit the farmer, some purpose, not so evident upon the surface, as for instance, the interest of the dealer in game, who knows that if the right to sell game is given to one class, it must be extended to all classes, and he is the one who is now paying the freight.

Aliens.

The act passed by the Legislature in 1909, forbidding the unnaturalized foreign-born resident, within this State, to hunt in the Commonwealth, and removing from their hands the power and temptation to violate our laws, through that feature denying to these people the right to own, or to have in possession, shotguns or rifles, has resulted in a benefit within the Commonwealth, not only to our birds and game, but also to our people, that cannot be expressed in words or figures. There seems to be no foundation upon which a true valuation, of this act can be calculated, but results are in evidence everywhere, and I assert, without fear of successful contradiction, that this office, this year of 1910, and after the above-referred-to act was put into working, *has not received one reported violation of the game laws at the hands of this class of people, where we formerly received twenty*. It is a rare thing indeed to-day to receive a complaint charging an alien with killing game or wild birds contrary to law, except, in those sections along new railroad construction, or other large out-door contracts, where many of these people are gathered together, and where many are coming and going, from outside the State.

The question of the constitutionality of this Act has been passed upon by the Superior Court in the case of *Commonwealth vs. Joseph Papsone*. One of the courts of our Commonwealth, that of Indiana county, ruled that this act was unconstitutional, while another court, that of Allegheny county, ruled that the act was constitutional. Both cases were carried to the Superior Court, one by the Game Commission, and the other by the defendant; both were ruled upon at the same time, by the Superior Court, the action of the Allegheny county court, being sustained, and that of the Indiana county court, that pronounced the act unconstitutional, was reversed. I do not believe there is another individual in this Commonwealth more

fully acquainted, than I am, with the conditions and causes that lead to the passage of this act, and the benefits that flow from its passage, and from this knowledge, I am satisfied that more benefit to bird-life, and to the peace of the Commonwealth has been brought about by this act, than by any yet passed relating to game protection.

The guns seized and returned to this office have been sold in different ways. The collection of these guns made prior to our meeting in July, were sold in bulk at public auction, as directed by you, the amount realized being so far below, what I felt, should have been realized, that I decided to sell the guns collected after that time, at private sale, if possible. This I have done, and our books will show that while some broken and badly worn guns, are still on hand, the amount realized for those which have been sold, is more than double the amount realized at the sale in bulk. While this method is unhandy and trying to us in the office, I believe it should be continued.

Bounty.

I desire to reiterate what I have asserted several times, that it seems to me anything but a display of good business judgment to say that man shall kill game in limited numbers, by special methods, and at prescribed times only, and shall kill wild birds, other than game birds, not at all, and then, stand idly by and see the same birds or animals destroyed by vermin. It cannot be reasonably argued, that through the destruction of vermin, such as foxes, weasles, skunks, etc., we are disturbing the equilibrium of nature, and thereby establishing a condition, resulting in most sure and serious injury to the bird-life of the Commonwealth. *To my mind that condition already exists*, and the balance of nature has long been not only disturbed, but, in many instances, entirely upset by man himself. Take our quail, as an illustration; the briarpatch, the line of weeds, along the old rail fence, where the birds formerly nested, are cleared away, and the birds driven, for a nesting place, to the open grain fields, or meadows. Grass and grain must be cared for, at a prescribed time, or lost; so along comes the reaper, the mower, and the horse-rake just before hatching time, and every nest is destroyed. The swamp, into which the covey has been in the habit of flying, to roost in safety upon some tussock entirely surrounded by water, has been drained, the birds are, therefore, compelled to sleep in any old place they can find, exposed to all manner of night-prowlers, and their name is legion. This bird, unfortunately for it, is one of the few that feed upon potato-bugs, and the farmer not knowing this, and, in many instances, not caring, sprays his potatoes with paris green, and the remnant of the covey, those that have endured the winter and starvation, those that have escaped the reaper,

the mower, the horse-rake, the house-cat, the weasel, the skunk, the opossum, and other dangers, are forced to surrender "in the good old summer-time." What we can do to correct this condition I am at a loss to even suggest, but I feel certain that in those sections of the State, where high cultivation prevails, it is almost useless to attempt to introduce, or protect quail, they are sure to be exterminated, in one way or another. A generous bounty, for the extermination of vermin of all kinds, seems to me a solution of the problem, so far as it can be reached by a single idea.

The Resident Hunter's License.

The many and varied reasons why the State should supply funds in a generous manner, through appropriations, for game protection, as given in our circular to the public upon this subject, still exist. The numerous benefits that will follow such action are still possible, and the fact that the State, through a resident hunter's license, will be fully reimbursed for any outlay it may make in this direction, should justify an appropriation to the amount of at least \$150,000 for this purpose. \$60,000 of this amount might well be appropriated for the special purpose of paying bounties upon certain noxious animals. This amount, in my opinion, would, within a few years, applied as it is at present, to wild-cats, foxes, minks and weasles, exterminate these species, or at least reduce their numbers to such a degree that they would no longer be a menace, as they are to-day. The remainder of his amount, or \$90,000, would well be appropriated, annually, to the use of the Game Commission, and with this amount at our command, I am satisfied we could in a few years, make of Pennsylvania a paradise for hunters, besides giving additional protection to wild birds, other than game birds, to the great benefit of the agriculturist and horticulturist of the Commonwealth. I have talked with many sportsmen upon this subject, and find but few of them opposed to this measure, and almost without exception those who do offer objections, advance the idea that if this is done, the farmers may post their lands and exclude outsiders from certain pleasures the hunters now enjoy. I have talked with many farmers upon this subject; upon the question of the farmers' boys paying the license, and other pertinent questions, and when they understood the provisions of the bill, the benefits that will come to them as farmers, but few oppose it, as they realize that but few farmers, or farmers' sons, limit their hunting to their own property, and the benefits derived far outweighs the trivial cost.

Professor Surface, of the Zoological Department, is strongly in favor of this bill, and has written and had published, in bulletin form, his ideas concerning the benefits to come to Agriculture through its passage. There will be opposition, of course, and to win, a strenuous and united effort must be made by all friends of this measure.

In addition, those having control of the appropriations, must be shown the possibilities of this act, the matter of the cash return through it to the Commonwealth. The methods by which, the channels through which, this certificate is to be issued, and the fee returned to the Commonwealth, are questions for thoughtful consideration. If the money collected is to pass through this office to the State Treasurer, one or more additional clerks will be needed. If the cash is to go to the State Treasurer direct, and nothing more than a duplicate return received in this office, I feel we can still handle the work without any addition to our office force. If we are to receive an increased appropriation, the questions of the purposes to which this money is to be applied are open for consideration, and should be decided upon at once, so that the bill in proper shape may be drafted. If an increase of our paid officers is to be made, this matter should be considered at once, and a bill with that purpose in view be prepared.

I am informed, unofficially, by the office of the Attorney General, that any attempt, in a measure of this kind, to extend special privileges, as that of giving land-owners the right to hunt upon their own lands, without first securing the license others are required to secure, would be unconstitutional. *Special care should also be exercised, so that the moneys thus secured from hunters, should be applied strictly to their use, and not be diverted to other purposes.* I understand, trouble has arisen over this matter, in several States, wherein moneys collected, for this purpose, had been applied to the maintenance of roads, or fish, or other subjects entirely outside the purpose of its collection.

Forest Fires.

It is with the deepest regret that I am compelled to report that large sections of our forest lands located in various parts of the State were burned over by forest fires last spring. Owing to the very early date in the spring-time of these fires, the injury to nesting birds and young animals was not as great as it would have been, had these same fires raged a month or so later; still, the loss was serious enough, and is to be deeply regretted. The destruction to growing timber, upon said lands, is one of the most serious effects. One hour of fire, has swept away the growth of many years, and we are impressed with the idea that unless these fires can be controlled, it is useless to attempt the reforestation of our State.

A great stride in the direction of forestry protection could be made by opening the season for hunting later than at the present time, when because of possible fall rains and snows, the leaves will be damp, and the danger from cigarette smokers, and their numerous matches, and other careless handlers of fire, would be reduced to a minimum.

Fortunately our protectors, through the most strenuous efforts, and aided by the force supplied by the Department of Forestry, were able, to protect absolutely, the game preserves located in Franklin and Clinton counties, although each was seriously threatened. We were not so fortunate in Clearfield county, where a large portion of the preserve was burned over. Aside from game protection and preservation, the saving to growing timber, upon the lands owned by the State, and within the limits of these preserves, is of far greater worth to the State than any costs that has been expended, in any way, in its preservation. An increased number of preserves, with an increased number of protectors, it seems to me, would be a step in the right direction, not only because of game protection, but also of forest conservation. The fact that our protectors were on the ground to meet the fire at the time of its inception, has been of extreme value.

Public Game Preservees.

In this matter, I repeat what I said in my report of last year—The three game preserves that have been created under the provisions of the act of 1905, appear to be serving the purpose intended, that of providing a haven of refuge, into which game and birds of all kinds protected by our laws of the Commonwealth, can retreat and find peace and rest at all times. We have carefully guarded these retreats during the past season and I am pleased to say that I know of no violation of the law, relative to these enclosures. Many men, who at first opposed the setting apart of these enclosures under the impression that they would be used as private hunting grounds for politicians and their friends, are now satisfied that the provisions forbidding any and all men to hunt thereon, means just what it says and that the Game Commission, will surely see to it, that all offenders, no matter who they may be, shall be prosecuted. In my opinion, there is no better way of increasing the game in this State, than by this method, and I think the number of preserves in the Commonwealth, should be increased as rapidly as possible. I am satisfied much better results can be secured through the restocking of areas such as are now authorized and where absolute protection is given throughout the entire year, than can be secured through breeding parks or preserves in which game of various kinds might be raised in captivity for later distribution, or, through the purchase of game from the outside, or, in any other way. I am satisfied that game of almost every variety, will breed to better advantage, in a wild state, than in captivity, and that if it is protected from vermin, through the method recommended in the circular entitled: "Save our Birds," and from man through a conscientious enforcement of the law, a reasonable increase is sure to follow. Inclement and unseasonable

weather will, of course, affect the breeding of game in captivity quite as much, if not more than in a wild state, while disease is more apt to lay its blighting shadows on animals or birds in confinement, than where they are restricted in no way. So far as I have been able to learn the attempt to rear either ruffed-grouse or quail in captivity has not been crowned with great success, and I believe that better returns can be secured through the methods we have adopted than in any other way.

The value of these preserves is to-day being proven and tested in a manner not considered at the time of their creation. As you are aware, vast tracts of forest lands in this State have been burned over and destroyed by forest fires, and game of all kinds has been driven into restricted territory, where, were it not for something more than the ordinary game laws, it could, and would be, almost exterminated. Reports to me by those in charge of our preserves show that game of all kinds, rabbits and squirrels perhaps excepted, driven from the surrounding territory, by fire, has congregated within the limits of our lines, has congregated within this city of refuge, where it will have peace and rest, until such time as it can again find food in the now devastated sections. The protection of these preserves from fire, has been a most serious proposition to all parties interested, one requiring the most strenuous efforts possible upon the part of every man that could be mustered as a fire-fighter by the Game Commission, and the Department of Forestry, and to which last-named Department, too much credit cannot be given. As it is, fully one-third of the Clearfield preserve was burned over. The fires in Clinton county threatening our preserve in that section for many days, and in places came within a few hundred yards of our wire fire line. The Franklin county preserve is still unharmed. I hope to be able to guard these preserves so that nobody will hunt therein, or be able to drive animals from them, so that they may kill them outside.

Recognizing the undoubted advantage of these havens of refuge, I feel that one or more of them should be established and maintained in every county of the Commonwealth, stocking and restocking the same with game adapted to that location, so that, they must become overcrowded, and the game confined therein of necessity be forced into the surrounding territory. It seems to me that the maintenance of the preserves solves, at least the deer hunting question, so far as the danger of extinction from any cause is concerned. If a number of these preserves were established, one or more in each county of the State where deer are found some of them enclosed as are private preserves, and in which deer can be raised, for distribution throughout the State, the majority open, as are those already established, being simply havens of refuge, into which birds and animals of all kinds can retreat at all times, and be at rest. The same being sustained by a fund received from a resident gun tax

It seems to me, that outside of the danger to human lives, there would be no special reason for limiting the killing of deer to a male deer with visible horns. The establishment of preserves of this kind, as I later on state, in my reference to private preserves, would tend to decrease the danger of forest fires, and also increase the interest of the general public in forestry preservation. By increasing the number of protectors upon the ground in this Commonwealth, much more benefit than at present, could be secured. I believe that if the hunters of this State were made to feel that they were partners in fact, in the game of this Commonwealth, as well as in name, and that the successful raising and distribution of game in this Commonwealth means some benefit to each of them, there would be no occasion, for charging the starting of forest fires, to careless hunters; it would be to their interest to preserve the forests, and I sincerely believe that this would be done. If all the hunters in this State, did not interest themselves in these matters, I am sure that the majority of them would do so and that this majority would see to it that the limited minority obeyed the law, that each one of them, would consider himself a game and forestry protector as well.

Private Game Preserves.

That feature of the recent law entirely new to the game law of this Commonwealth, relating to the control, killing and sale of game raised in preserves and shipped from said places of confinement without having been first released in our forests at large, seems to meet with the approval of the majority of those who are interested in the subject of game protection, and who have given this particular phase, a fair consideration. The principal trouble that may possibly occur, it seems to me, will be that of keeping game, thus killed in private preserves, distinctly separate and apart from game of like kind, that may have been killed in our open forests, but, as the only kind of game that can possibly be raised to advantage in captivity, within preserves, in this State, that is also found at large in our forests, will be deer, it seems to me, there should be no particular trouble relative to the matter. I herewith submit to you with this report, a tag which we have drafted and considered suited to secure the end desired. This new departure seems to me to be desirable for several reasons: it makes profitable the use of wild lands that could not be used for any other purpose; it is to the interest of those owning or controlling preserves of this kind, to see to it, that lands both within and adjoining their enclosures, shall be absolutely protected from forest fires; it means an increase of healthful food, at fair prices, secured by competition, within our own State; it reduces the incentive of high prices, to the market-hunter, and thus mini-

mizes the possibility of the killing of this particular species of wild game, for sale; it also opens a way through which the State is enabled to purchase, at fair prices, deer for the restocking of such places as may be selected; taken altogether, I see only profit and benefit to the State, through the addition of this feature to our new law.

While we have in this State a number of preserves of this character, only three have taken advantage of the new law.

Value of Work Done.

Our work has been conducted within the appropriation allotted to us, and I take pleasure in saying that I know of but few instances wherein persecution, under the name of prosecution, has been indulged in, by our officers, or where injustice has been done.

Some complaint has come to us regarding the manner, through which some of our officers, have gained entrance, to the houses of aliens in search of guns held contrary to law. In every case investigation, up to this time, has disclosed sentimental feelings, rather than any wrong done, to the foreigner, as actuating the complaint. The officers, in several instances, instead of securing search warrants in the beginning, obtained entrance to dwellings under the claim of searching for stolen goods, and other like claims, located guns, which they afterwards, through the use of search warrants, were enabled to seize. We have, on our books the names of more than six hundred special deputy game protectors, whose pay for service rendered, is one-half of the penalty recovered, and it is extremely surprising to me that, so little complaint has come to us regarding the manner, through which some of our men have acted. I have done my best, to have *each* one understand, that game and wild birds' protection, alone, was the purpose in view, and that the Game Commission would permit no one, to use his office for persecution or profit, or any other thing, not in accord and in the direct line of his duty, and protection.

We have collected and returned to the State Treasurer, in fines and penalties, since the date of my last report to you, July 7, 1910, moneys amounting to \$4,029.65; this added to the \$6,779.03, returned between December 1, 1909 and July 7, 1910, makes a total of \$10,908.68, that we have returned to the State Treasury during the year, December 1, 1909, to December 1, 1910. I am satisfied that moneys amounting to hundreds of dollars, collected from violators of the game laws, during this time, still remains in the hands of certain justices of the Commonwealth. Our appropriation for the fiscal year was \$20,100.00; we have, therefore, actually returned to the Commonwealth more than one-half of the amount set apart to our use by the State, besides bringing to the bird-world a peace and happiness that cannot even be estimated, and untold benefit to the

State through the life-work of these same birds. We have returned to the State through the extinguishment of forest fires, and the protection of growing timber, both within and adjoining our preserves, a value far above anything that has been appropriated to our use, for our officers were engaged last spring many days in the fighting of forest fires, and they have done their work well in this particular. Many tons of food, in the shape of game of various kinds, was supplied the people. I believe it is a conservative estimate to say, that two million rabbits were killed in this State during the season just passed, averaging in weight at least one and one-half pounds each. Returns received in this office from our protectors and others, indicate that at least eight hundred deer were taken in the State averaging in weight, at least one hundred and twenty pounds apiece. More than five hundred black bear were taken, averaging at the lowest estimate two hundred pounds each. Hundreds of wild-turkey were taken; thousands of ruffed-grouse and quail were killed; besides squirrels, ducks, shore birds, and other game. Jointly going to make the game season of 1910 memorable as one of the most successful seasons experienced, for many years. A splendid stock has been left from which our covers are to be replenished, and this with proper care through the extermination of vermin, feeding of the birds, and additional protection upon the part of those interested, can well be done.

I am extremely sorry to be compelled to report to you at the very last moment, that from personal observation, and many reports received, I am satisfied, many more does and small deer were killed this fall, than there should have been, not through mistake, but deliberately and wilfully, by men who scorn the law, and who propose to do as they please. Some of those doing this thing, would be most indignant at even the suggestion of stealing their neighbor's chickens, or the milk, or newspaper from his door-step; yet, they do not hesitate to unlawfully take game, in which that neighbor has a joint interest, thereby deliberately defrauding that neighbor of his interest in the game taken. It seems to me that it would be well to add to the penalty now imposed by law for this offense, by providing, that *any person proven to have wilfully and illegally killed a doe* in this Commonwealth should be precluded from camping on State lands, or hunting anywhere in this State, for a period of at least three years, and in addition, should have his name published in the county newspapers of that county in which he may reside. The honest man, under existing conditions, is not fairly treated; he refrains from killing a doe when the opportunity pre-

sents itself, because, that is the law, and he is a lawabiding citizen, only to see the same animal destroyed by his dishonest fellow hunter. This condition demands your closest attention.

Respectfully submitted,

JOSEPH KALBFUS,
Secretary of the Game Commission.

FINANCIAL STATEMENT.

Third Quarter of Appropriation.

December 13th 1909 to February 28, 1910.

To warrant on appropriation,	\$2,550 00	
To balance from last quarter,	79 02	
To penalties and costs collected during quarter,	3,329 26	
To fee for licenses,	11 00	
To waste paper sold,	5 39	
To proceeds of guns sold,	63 30	
To overdrawn check sent to John T. Lewis,	30 00	
To purchase money for guns:		
By R. N. Levy,	20 00	
By J. W., Humer,	10 00	
		<hr style="width: 100%;"/>
		\$6,097 97
By current expensees for quarter,	\$2,559 25	
By deposits with State Treasurer,	3,291 95	
By penalties returned to prosecutors of record,	154 50	
		<hr style="width: 100%;"/>
		6,005 70
Balance,		<hr style="width: 100%;"/>
		\$92 27

Balance:

General fund,	\$59 32	
Preserve account,	2 95	
Cash on hand, purchase money for guns, ..	30 00	
		<hr style="width: 100%;"/>
		\$92 27

Fourth Quarter of Appropriation.

March 1st, 1910, to May 31st, 1910.

To warrant on appropriation,	\$2,550 00	
To balance from last quarter,	92 27	
To penalties and costs collected during quarter,	1,120 64	
To fees for certificates,	17 00	
To proceeds from confiscated guns,	445 40	
		<hr style="width: 100%;"/>
		\$4,225 31

By current expenses for quarter,	\$2,588 44	
By deposits in State Treasury,	1,509 00	
By penalties returned to prosecutors of records,	74 04	
	<hr/>	4,171 48
Balance,		<hr/> <hr/> \$53 83

Balance:

General fund,	\$50 88	
Preserve account,	2 95	
	<hr/>	\$53 83
		<hr/> <hr/>

Fifth Quarter of Appropriation.

June 1st, 1910, to August 31st, 1910.

To warrant on appropriation,	\$2,550 00	
To balance from last quarter,	53 83	
To penalties and costs collected during quarter,	1,197 89	
To fees for certificates,	13 00	
To fees for propagating tags,	3 00	
To proceeds of confiscated guns,	17 50	
	<hr/>	\$3,835 22
By current expenses for quarter,	\$1,588 91	
By deposits in State Treasury,	1,213 89	
By penalties returned to prosecutors of record,	17 50	
	<hr/>	2,820 30
Balance,		<hr/> <hr/> \$1,014 92

Balance:

General fund,	\$1,011 97	
Preserve account,	2 95	
	<hr/>	\$1,014 92
		<hr/> <hr/>

Sixth Quarter of Appropriation.

September 1st, 1910, to October 31st, 1910.

To balance from last quarter,	\$1,014 92	
To penalties and costs collected during quarter,	1,807 75	
To fees for certificates,	19 00	
To proceeds of confiscated guns,	197 50	
	<hr/>	\$3,039 17
By current expenses for quarter,	\$1,069 60	
By deposits in State Treasury,	1,948 25	
By penalty returned from general appro- priation,	12 50	
Cash on hands (stamps),	3 50	
	<hr/>	3,106 35
Account overdrawn,		<hr/> <hr/> \$67 18
General fund overdrawn,	\$70 13	
Preserve account,	2 95	
	<hr/>	<hr/> <hr/> \$67 18



ANNUAL REPORT
OF THE
GAME COMMISSIONERS
OF THE
STATE OF PENNSYLVANIA,
INCLUDING A REPORT OF THE
CHIEF GAME PROTECTOR
TO THE COMMISSION
FOR
THE YEAR 1911.

HARRISBURG:
C. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1912.

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REPORT OF THE BOARD OF GAME COMMISSIONERS

To His Excellency, John K. Tener, Governor of Pennsylvania:—

Sir:—In compliance with the act of June 25, 1895, creating the Board of Game Commissioners of this Commonwealth and prescribing its duties, we herewith respectfully submit to you our report of work done through and under our direction during the year intervening between December 1, 1910, and December 1, 1911; and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us, and from a personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds, classed as wild birds other than game birds, are increasing in this State, and the benefit to the Commonwealth from this increase from economic point of view is most marked.

The increase of game birds, beyond that of last year is evident in many sections of the Commonwealth; Quail being more plentiful in Western Pennsylvania than for many years; this increase of Quail being in evidence in most of the Counties of the Commonwealth, excepting the Northern tier, and a limited number of Counties in the Southeastern part of the State, where because of close cultivation, it is impossible for these birds to exist at all.

More Ruffed-grouse have been seen during the past summer and fall, and more have been killed in the State during the open season just past, than has been the case for five or more years.

The reports of Wild Turkeys have been exceedingly flattering, and we believe there are more Wild Turkeys in the State today than there has been for many years.

There is no doubt whatever about the very decided increase of Deer and Bear. More Deer have been seen in the State than for twenty-five or more years, and while perhaps no more deer were killed, because of the law prohibiting the killing of any deer excepting a "male deer with horns visible above the hair," this same provision has saved the lives of many does and small deer, that otherwise would have been slaughtered. While we are not, at this time, in position to definitely state the number of men killed and wounded in mistake for

deer in the United States during the hunting season just passed, we take pleasure in saying that not one single instance of this kind in this State has come to our notice. We know there have been several men killed in this State and a number wounded during our open season this year, some accidentally and some in mistake for Turkeys, but not one in mistake for deer; this condition speaks for itself, and the increase of deer or the success of hunters is only incidental.

Notwithstanding the reported increase of Bear, there seems to have been fewer killed than for several years; this we believe is due to the elimination of the steel-trap in taking bear, and not to a reduced number of Bear in the woods. The Bear by nature being timid and sly, and a night-prowler is not so easily taken as some might suppose.

Rabbits seem to have been plentiful all over the State and large numbers were taken in various ways.

Taken altogether, the hunting season just passed, appears to us to have been a successful one from the standpoint of game captured.

We view with alarm the disposition of many to use high-power rifles in the neighborhood of towns, near public roads and thickly settled rural communities, and that no more accidents from the same have been reported, is a source of surprise and wonder to us. With the increase of travel that must come because of improved roads, we feel the danger from this source will surely increase and be a serious menace to human life during the open season for deer; even under present conditions when men are compelled to look before they shoot. What can be done to restrict, if not eliminate this danger is a most perplexing question.

We recognize the benefit of an outing with gun and dog.

We appreciate the value of expert-riflemen as a National defence in time of war.

We understand that the experience secured in hunting and in camp life, in traversing our forests by day or by night, fits our young men to meet the responsibilities of life, as nothing else can fit them.

We realize that the value of the food-supply secured through hunting means much to many people.

But, we also recognize the fact that but a limited portion of our people hunt, not over three per cent. at the outside, and consider that the remaining ninety-seven per cent. are entitled to some protection, the year round, from the reckless man with a high-power rifle in his hands. We hope to give this question careful consideration during the coming year.

While the drafting of the act of June 3rd, 1911, making a uniform open season for certain game animals and birds, did not originate with the Game Commission, we heartily indorse its provisions in the main, for several reasons:—

That the weather is more seasonable for hunting.

That game of all kinds is better able to take care of itself on the 1st of November, than it could do upon October 15th.

That the game is more mature and of better quality, than it would be earlier in the season.

That the majority of our song and insectivorous birds are gone to their winter-homes by the 1st of November, and are not liable to be killed as they might be in October.

That because of possible rains, or snows, the danger of possible forest-fires has been reduced to the minimum.

We consider the open season for game birds, as fixed by the last Legislature at six weeks, to be at least two weeks longer than it should be.

We call your attention to the financial statement as made to us by our Secretary.

Respectfully yours,

CHARLES B. PENROSE,

President.

WM. B. McCALEB,

JNO. M. PHILLIPS,

C. K. SOBER,

LANING HARVEY,

ARTHUR CHAPMAN,

Board of Game Commissioners.



REPORT OF THE
CHIEF GAME PROTECTOR
FOR THE
STATE OF PENNSYLVANIA FOR 1911.

Harrisburg, Pa., December 4, 1911.

To the Honorable Board of Game Commissioners of Pennsylvania:—

Gentlemen:—In making this annual report, I feel that I cannot do better than to reiterate what I have said in my report dated December 1st, 1910, namely, that our work as a Game Commissione appears to have been rewarded to a marked degree, through a splendid increase of animal and bird life, classed as wild, both of game and otherwise, in this Commonwealth, and also through a better understanding with the people.

In my varied travels throughout the State, I almost daily come in contact with some one, interested enough in the conservation of our wild-life to observe conditions, and who because of that interest, has noted the rapid, I might say the phenomenal, increase of especially, our wild birds, other than game-birds; many of these reports regarding conditions strictly local; the observer attributing this increase, to the special interest in this matter taken in his immediate neighborhood. This is, no doubt, the cause, and just as the special territory referred to, has been benefited by the special interest of the people located upon that territory, so the next section, and the next, has come under the same educational influence, until the entire State has been covered, and our bird-life has been accorded a peace and rest never given before in my memory, not through special fear of our officers, or of any punishment that might be dealt to the violator, but because the people, old and young, of all classes, are everywhere learning the value of the life-work of birds, and are helping us in our work of protection. Many clubs and organizations are constantly being formed in this State for that purpose.

This matter has been taken up in our public schools; it is being considered by many organizations, such as the Boy Scouts, and other efforts to educate, especially the young, along correct lines, with the result, that not only the number, but also the varieties of birds, appear to be greater than I have ever known before in this Common-

wealth. This is the result of absolute protection. The only exception that I find along this line is the efforts made by certain people, out of the State, to secure dollars from the unsophisticated, and I am frequently in receipt of applications from young men, especially in the backwoods, who desire certificates to practice taxidermy, their education along this line being secured through some correspondence schools in the West. Whether or not this urging of men into parting with good dollars for something that cannot benefit them in this State, is legitimate, or not, is a question, and I have referred this matter to the U. S. postal authorities, for under our law not one single bird or animal can legally be killed for scientific purposes, unless the holder of the certificate, authorizing such killing, be either connected with some Public Museum, or a teacher of Ornithology in the Public Schools of the State.

Game.

While it is surprising to me, a decided increase of our various kinds of game is also reported. Quail are said to be more plentiful in Western and Southwestern Pennsylvania than for thirty years; a most notable increase is reported from many other sections, especially Central Pennsylvania, and even from the Northeast comes good reports. Turkeys appear to be more plentiful than for years, and we have both written and verbal statements to the effect that more turkeys have been seen and heard in this State during the present year, than for many years. More wild turkeys have been killed during the open season, this year, than have been killed for many years in this State and more appear to be left. Birds of this kind have been seen on territory far removed from where turkeys have been seen or known to exist; in some instances, they are reported in forests from which turkeys apparently were exterminated thirty or more years ago. Ruffed-grouse are reported fairly plentiful in some sections, and extremely scarce in other sections, where only recently they were found in numbers.

When I consider the unfavorable conditions surrounding our game of all kinds, I am lead to wonder how any increase is possible. In the East, really throughout the entire State, where farming is carried on to any extent, close cultivation has driven the Quail from the briar-patch and wood-lot, to the meadow and the grain-fields, where about the time they are ready to hatch, along comes the reaper, the mower, or the horse-rake, to the serious disadvantage of the birds. They face from late spring to early autumn the farmer with his paris-green on potatoes, for unfortunately for those birds, they appear to be lovers of potatoe bugs, and eat them whenever possible; they are compelled to roost in unprotected places, the swamp wherein they formerly

found safety, both by day and by night, has been drained. The turkeys and grouse must meet the dangers of forest-fires. Each one of our birds must face its natural enemies of all kinds—the owl, the crow, the house-cat, the worthless dog, that is compelled to hunt for a living, and smaller vermin of all kinds, and last, but not least, improved fire-arms in the hands of experts, who travel in automobiles, and who because of this rapid transit, are able to cover several tracts of woods, or fields, in the morning, doing the same thing in another direction that afternoon. None of these men would think of taking your newspaper or can of milk from your door-step, but many of them do not hesitate to take game birds or animals contrary to the provisions of law, failing to remember that every citizen of the Commonwealth has an undivided interest in that bird or animal, and that the taking illegally, is just as much a wrong as would be the taking of the newspaper or the milk. I am, therefore, surprised that there is any increase of our game, really that there is any game at all, and I cannot see, under present conditions, how this condition can be continued.

Bounties.

Those in authority in this State have seen fit to reduce the appropriation heretofore made for the payment of bounties, which action, I most deeply and sincerely regret, for I know that with the increase of vermin, comes additional danger to our game and wild bird-life, a condition to be deplored. The Game Commission has the satisfaction of knowing, that it has done everything in its power, to combat this condition, still it appears that in spite of our most strenuous effort, vermin is to be increased. If those who are by their unreasonable opposition to the Resident Hunters' License bill, blocked its passage, and prevented the creation of a fund, through which vermin could be exterminated, feel that they have done a good work, I presume the matter is for them. I certainly do not envy them their thoughts, and feel satisfied that no real benefit can come to them through misrepresentation of this matter, for the only bill attempting to secure an appropriation for the payment of bounties was drafted in this office, and presented at our instance.

Shorter Season.

In addition to the extermination of vermin, it seems to me that a shortened season, if we expect to preserve our game, is an absolute necessity. The adoption of a uniform open season for game in as far as that might be, is to my mind a step in the right direction, and while the act recently passed opening the season for rabbits, squirrels, grouse, quail and wild turkeys upon the 1st day of November and closing it on the 15th day of December, adds fifteen days to the open

season, as fixed for quail and wild turkeys, by former laws, it has changed the season, so that the birds in the beginning of the season, will be older, and stronger, and better able to care for themselves, than they were upon the 15th of October, and I am satisfied, that in many sections the two weeks added in December will not cause the death of many birds. While I would have preferred, and argued, for an open season of a single month in duration, I feel that this season as fixed is a step in the right direction, and will result in more benefit than injury, to game of all kinds, especially birds. One condition to be regretted, is, that because of the extending of the season for small game beyond the close of the season for deer, there will, no doubt, be some deer killed contrary to law; this condition adds to the work of this office. Experience teaches me that the great majority of hunters prefer rabbit-shooting, to bird-shooting, and that when the season for rabbits and birds opens at the same time, many guns are used in rabbit-hunting, that would otherwise be used for bird-shooting, were the seasons different, and I know too, that when the man hunting for rabbits, has gone through a brush-lot, the bird-hunter, when he comes along, must go into thicker cover where the birds have taken refuge, and where they are much harder to kill. It appears, that when this bill was drafted, Hungarian quail were overlooked, because perhaps, the act of May 1st, 1909, forbade the killing of Hungarian quail for a series of years, and the fact that this limitation had expired, was forgotten. As it now stands, the open season for Hungarian quail, is from October 15th to November 15th of each year, but as there are very few of these birds in this State, there will be but slight reason for hunting them, before the open season for other birds. One of the most beneficial effects of this law, to my mind, is the lessening of the probability of forest-fires. Under ordinary conditions, forests usually dry in October, will have been dampened by either rains or snows, before the middle of November.

Deer.

Our deer in numbers have undoubtedly increased in ever section of the State, where they are found at all. They have really spread into territory where no deer have been found in a wild state for many years. This increase is admitted by almost every person who understands conditions; many of those who have been asserting that the buck-law saved no deer, and that fully as many does were killed, year after year, since the passage of this law, as had ever been killed before, will also have to admit, that our deer have increased to a wonderful extent, apparently forgetting, that there must be a reason for this increase, and that their statements regarding these matters, are, to say the least, slightly inconsistent.

The purpose of this provision is undoubtedly threefold: First, to make hunters look before shooting; Second, to preserve female deer so that they may reproduce and perpetuate their kind; And third, that the young male deer shall be protected until he has attained an age, where he may successfully serve the purpose Nature intended him to serve.

Data collected by the Biological Survey, Washington, D. C., shows that not one man has been killed or wounded in mistake for deer, during the past two years, in nine States, wherein the killing of does is prohibited, Pennsylvania being included in that number; while in five States, wherein bucks and does may be killed indiscriminately, in the season of 1909, eighteen (18) men were killed and fully three times that number wounded, not accidentally, but in mistake for deer, and in the season of 1910, twenty-two (22) men were killed in the same States, and several times that number wounded, not accidentally, but in mistake for deer. This condition speaks for itself, and while it may be necessary, after a while, because of this rapid increase of deer, to permit the killing of some does, to be used in camp, we have now secured a safety to the hunters that is extremely satisfactory.

Regarding the second provision, the propriety and necessity for preserving female deer, if we hope to perpetuate and increase the species, it seems to me, there can be no difference of opinion. No sane man in the cattle, or horse, or sheep, or any other domestic live-stock business, would consider success possible, if he permitted the mothers to be destroyed, and the same principle applies to deer.

Right here may be applied the third purpose of the law, providing that only male deer "*with horns visible above the ha'r*" might be killed. This wording demonstrates, the knowledge and foresight and intent of those drafting this measure. Any one pretending to understand the habits and disposition of deer, knows that the young of that family, reach the age of puberty at sixteen months, or younger, the female fawn born in March or April of one year frequently being followed by a single fawn of her own in June or July of the following year, and by two fawns the year after that. Those who have given the matter consideration know that the male deer, reaches the age of puberty, at the age of sixteen months, or under, and therefore, under this provision, is given the opportunity of begetting its kind, before being exposed to the fire of the riflemen, because we know that a male deer born in April or May of this year, does not and according to the course of Nature, cannot have horns before or during the open season for deer, of the first year of his life, and when the open season of his second year has come, he has reached the age of puberty, and been given the opportunity of serving the purpose of his creation.

That this was the intent of those who drafted this measure, is evi-

dent from the fact, that the first act relating to this subject, the Act of April 15th, 1907, provided that but one deer might be killed by one person in one year, "*which in every instance shall be a male deer with horns.*" Prior to this Act, bucks, does and fawns were killed indiscriminately, the only restrictions being, the close season, and that not more than two deer, big or little, might be legally killed by one person in any one season. Our deer were on the verge of extermination, and additional protection was necessary, if we were to have deer in this State; this provision "*a male deer with horns*" did not seem to serve the purpose intended—that of preserving does and fawns—and the following Legislature reconsidered this matter, and by the Act of May 1st, 1909, section 18, altered the provision, making it read "*which in every instance shall be a male deer with horns visible above the hair.*" Just as plainly saying that no fawn, or baby deer, should legally be killed, as that no doe, or female deer could be legally killed, because no baby deer, under the age of a year, could possibly have horns.

In my last report to you I mentioned the fact that there was considerable controversy among hunters over the possibilities likely to arise out of, or because of, the law permitting the killing of bucks only. For sometime past, really beginning with the date of the passage of this act, I have been in receipt of inquiries, both by letter and verbally, regarding the possible result of this provision, in the matter of both the increase of our deer in numbers, and possible degeneracy. I have listened to many arguments upon this subject, and am in receipt of numerous opinions regarding it. It is a well-known fact that the strongest of the males, either moose, elk, deer or fur-seals, through physical conflict with their fellows, maintain harems, from which the young and consequently weaker animals are driven. Dr. W. T. Hornaday, one of the great naturalists of the World, writes that: "As a principle, I think it is entirely possible for sportsmen to kill off so many males of any given species of deer, moose, elk, that a certain number of females will remain 'barren' each year, that the breeding will be done by the young and immature bucks, instead of the finest and largest animals that Nature produces, * * * * This cannot be anything else than a serious matter. * * * * I believe it is impossible for any one to say much to the purpose about the number of females, that naturally would constitute a proper harem, for white-tail deer; what I may say, should be regarded only as a guess, but think, that one buck should not have *more* than twelve breeding does in his harem, preferably six or eight.

"I think you will do well to keep a close watch on this phase of deer propagation, and when you find that it is no longer possible for sportsmen to bring out a goodly number of bucks of the first class

each year, then, you may be sure the time has come to take such measures as will give a larger number of bucks a chance to reach their finest development."

Dr. T. S. Palmer, Assistant Chief of the Biological Survey, at Washington, D. C., writes me to the effect, that in his opinion the killing of large bucks will have but little effect upon the increase or stamina of deer, and cites as an illustration, the fact that male deer only, have been killed in Vermont, for several years, ten or more, with no perceptible decrease, in either the number of fawns found in the woods, or the size, strength, or other physical characteristics of the deer, in that section. You will note the difference of opinion of these leading authorities.

I have made it a point to inquire specially regarding this subject among those interested in the breeding of domestic stock, having the same disposition as deer to maintain harems, and have been almost invariably told that the young male, after reaching an age of two years, was to be preferred for breeding purposes, to a male of four or more years.

Wild Cats.

It appears though from reports received from several sections of the State that there were apparently numbers of "barren" does found in the wood, or at least, there were but few fawns, or fawn-tracks, seen in some sections, while in other sections, fawns were found frequently. The fact that the young deer were plentiful in some sections, and not in others, while the same law relating to the killing of bucks prevailed over the entire State, led me to make special inquiry regarding conditions in the different sections, and I learn that in that part of the State, where few young deer are found, wild cats, are plentiful, while the reverse is the condition where fawns are found in the usual numbers. I have learned of the killing of numbers of large wild cats this fall, one reported as killed in Huntingdon county weighed 50 lbs., another killed in Clinton county and put on the scale, weighed 52 lbs., and had in its stomach a quantity of deer flesh and deer hair. I have reports of three other wild cats killed in this State this fall, that had deer flesh and hair, in their stomachs, and I have the reports from many hunters to the effect, that frequently the deer tracks they struck, had the tracks of a wild cat following the same line of travel. From a careful investigation of this subject, I am satisfied that many young fawns, and some full grown deer, are killed, every season by wild cats, and some by foxes; men are not the only destroyers of deer. One gentleman, a keeper of a private preserve, told me of finding a fawn, a day or so old, killed by a fox; he saw the bushes shaken by the struggle, ran in, and saw a red fox run away, and found the fawn with its throat so torn and mutilated, that it died while he stood by

its side. This same gentleman told me of seeing a wild cat spring upon the neck of a large buck, in the preserve under his control, fortunately for the deer, the end of a fallen tree, with its strong projecting branches, made it possible for the deer to dislodge its enemy at the first jump, otherwise the result of the battle would no doubt have been most serious for the deer.

It seems to me that the problem can well be solved through the passage of a generous appropriation for the payment of bounty and the creation of additional preserves, or havens of refuge, such as now exist in five counties of the State, and in which bucks, as well as does, and game of all kinds, now find peace and safety at all times. A public game preserve in every county in which deer are found, would, it seems to me, to a great degree, settle this question for all time, in this way countinuing that safety to the people, now accorded by law, and maintaining the deer both in numbers and stamina.

Bear.

A most marked increase in the number of bear found in this State is reported from our rough mountain sections. I recognize the fact that bear-hunting is most strenuous and exciting, and that the carcass of a bear, when secured, is more valuable than is the carcass of a deer, that a fair increase of bear, so that each hunter may have his chance, will perhaps be a benefit to the hunter, and be appreciated by those who hunt bear, but, when I consider, that even an excessive increase of bird-life, that under ordinary conditions, is beneficial, changes the character of their work, and makes excessive increases undesirable, remembering the many and varied traits of the bear and his possibilities, I am lead to wonder, whether or not the increase of bear, made possible by the act forbidding the use of steel traps in taking this animal, may not cause injury rather than benefit to the State. I recognize both the dangerous and cruel phase, of setting steel traps in the open forests; I also remember the disposition of the bear to flee from man, every time, when given the opportunity, so that it is extremely hard to kill a bear, through the use of a gun only, and wonder, whether or not, this action will not be reconsidered in the near future. Personally, I do not indorse this provision.

Other Game.

Other game, such as blackbirds, doves, reedbirds, wild water fowl and shore birds, appear to be in usual numbers. Squirrels are reported very plentiful, in sections where large timber, their natural home, has not been destroyed; and rabbits are reported in excessive numbers in many sections of the State, in some sections, they are

really becoming a menace to growing crops and trees. While the rabbit occupies a niche peculiar to itself, supplying recreation and a food-supply to men, and a food-supply, easily taken, by predatory birds and animals, a condition that tends to preserve game birds and domestic fowls, I am satisfied that an increase of these animals, beyond the beneficial point is possible, and this should be guarded against. I feel that the dove, for many reasons, should be removed from the list of game birds and given absolute protection in Pennsylvania.

Forest Fires.

It is with the deepest regret that I am compelled, in touching upon this subject, to say that forest-fires have wrought untold damage during the spring just past, and in many sections that have escaped the ravages of this destroyer for years. Our splendid preserve, with many thousands of acres on all sides of it, in Clinton county has been almost entirely burned over. Since the creation of this haven of refuge I have made a personal effort to preserve it absolutely from fires, to demonstrate, through the growth of trees within its boundaries, the possibilities of forest conservation, under a care such as I was giving, and such as I allowed myself to believe, might be, and should be, given by every one entrusted with the care of our forests in this commonwealth. The improvement of the growing timber in this preserve since the time it came under our control was most marked; the tender shoots that were just springing into being at that time, had grown until the ground was shaded, and one was able to walk erect under the spreading branches. I was beginning to congratulate myself in the thought, that because of this condition, the leaves upon the ground under these trees, would never dry out as thoroughly as they had dried heretofore, and, therefore, the days of forest-fires in that preserve were numbered. One or two years more, to my mind, was all that would be necessary to guarantee absolute safety, on this tract, and there would be erected a monument to intelligent effort. Today, I am compelled to acknowledge that through the striking of a single match, my fondest hopes in this regard have been wrecked and my intended demonstration, has been reversed. The conceit has been entirely taken out of me, the growth of years, with all that means, has gone up in smoke, and we must begin again with the tender shoot that springs out of ashes of blasted hopes and bitter memories. I do not care to dwell upon this subject at any length, and only hope that experience may teach new lessons and methods, that will bring better results. I have asked the Forestry people to grant us the right to cut a double fire line, instead of a single fire line around our preserve, one located about one hundred or more feet from the other, so that in times of necessity, we can back-fire from one to the other, in the hope, that we can perhaps save the remainder of our threatened tracts.

Work Done.

I feel that very creditable services have been rendered by the officers of the Commission during the past year. We have to be sure, had some trouble with some of our special officers, whose compensation, as you know, is one-half of the penalties secured, together with costs such as constables would receive for like services, some of these officers showing through their efforts, a special zeal to collect dollars for personal profit, rather than to enforce the law, for the good of the Commonwealth. We have recalled the commissions of several of these men for this cause, and also for other causes considered detrimental to the good standing of the Game Commission. We have directed and assisted in the prosecution of one of our officers in Fayette county, who used his commission for criminal purposes, rather than for what it was granted. We have been compelled to assist in the defense of several of our specials who were arrested in different parts of the State under charges arising out of their efforts to enforce the game laws, especially that law forbidding aliens to be possessed of guns in this State. In every instance, these charges have not only failed of their purpose, but the action taken by the officer has been sustained, or it has been shown that there was at least no criminal intent upon their part. To illustrate, in one case coming from Armstrong county, two of our special deputies going under direction of our paid protector, H. E. Hunmelbaugh, of Clearfield, attempted to take guns that were used by aliens in violation of law; they secured what is known as a "blanket-warrant," the justice giving this warrant considering that he had a right to include in a single warrant, the authority to search any number of homes, introducing the name of the defendant as "John Doe;" this having been the practice in several sections of the State, not only among our officers, but also among other peace officers of the Commonwealth. Under the provisions of the act creating the Game Commission, our officers are authorized to call to their help such assistance as may be needed in enforcing the law. These officers, knowing the danger that attended their visits to the camps of aliens, took with them two resident citizens of Armstrong county, they found the guns as reported, they used no violence in securing them, but were arrested for burglary, robbery, extortion and several other charges, and were compelled to suffer imprisonment for several weeks, before the Game Commission, properly informed of their condition, was able to secure their release. I have personally investigated this case, and found that these officers were acting cautiously and carefully in their work, believing that they were right, and that every cent collected by them and belonging to the Commonwealth, was forwarded to this office. The guns seized were also forwarded to us in accordance with the law. No wrong was done to any

one; unfortunately though, the warrant under which these men searched the houses of these aliens, were technically defective, if not absolutely void; the justice considering that he had the right to include in one warrant a number of houses, and to cause the search of these houses under the name of "John Doe and others." It would appear that this is not the law, and that, therefore, these men, to say the least were technically guilty, and they were so found by the jury. The Court refused to consider these conditions surrounding these searches—that these men were under commission and bond from the Game Commission, that they were enforcing the law as it was sustained by the Superior and Supreme Courts of this State, that they collected no moneys or guns that would not have been collected under a proper warrant, and that they thought they were right,—but instead, sentenced each one to pay a penalty or undergo a certain imprisonment, of one hundred days in the county workhouse. This, I feel was not justified by the facts, but the worst is still to come. These men had some six or more indictments found against them charging extortion, they were convicted under one indictment. The attorneys for the prosecution, after the first sentence, went to these men, in jail I think, and said, we have got you, and will give you the same dose under each indictment, and also send Dr. Kalbfus to jail for receiving stolen goods, (My offense consisting of receiving and turning over to the State Treasurer the moneys paid by these aliens), but if you will pay to these aliens the full penalty collected from each, and the guns taken, or their value, and in addition pay all costs, including our fees as attorneys for these aliens, we will see that the remaining indictments are quashed; and these men without the knowledge of this office and through fear of additional punishments did pay several hundred dollars to these men, including a return of the penalties paid by these aliens, one-half was sent to me, and by me surrendered to the State Treasurer, for the use of the Commonwealth under the provisions of law. These attorneys appeared to be in position to demand the pound of flesh, and did so demand it, regardless of the consequences to bird-life, or to the interests of the people of the Commonwealth, or of Justice. If they had held a loaded revolver to the head of these prisoners and thus forced the payment of this money, they would surely have been guilty of felony. I cannot see wherein any difference lies, and I hope the Game Commission will see to it that this great wrong is righted, and these, men posing as attorneys and defenders of the people, be punished as they deserve to be. I have written to the Attorney General regarding our rights and our duty in this matter, that appears to me to attack the very foundation upon which the enforcement of all law is based, namely, Justice. These officers were convicted of technical extortion, and they were deliberately forced by men having the power to pay for a release from penalties

that never should have been imposed. If this is Justice, I certainly cannot see how we are to get services from men in our employ. If I am liable to imprisonment because I receive and surrender moneys to the State Treasurer, because if afterwards appears that there was some technical defect in the manner in which the money was collected, I would certainly like to know it. Again, considering the fact that I have but a limited fund at my command to use in this work, I would certainly be disposed to use it to benefit those who were friendly to bird protection, rather than to benefit those who were blocking our work through technicalities, and I cannot help but think that this conviction is unjust, and should not have been, and unless corrected may result in serious injury to our work.

Work Before the Legislature.

As has heretofore always been the case, the question of altering, amending and adding to the game laws of the Commonwealth was much in evidence, during the meeting of the last Legislature. The fact that more than one-half of the Members were serving their first term added to the arguments usually indulged in, by many, upon this subject; numbers of these new Members being impressed with the idea that certain phases of game protection, had not been carefully considered heretofore, and that it was their duty, to get these matters righted; many of them drew their conclusions from purely local conditions, and as a result, there were more than twenty-five game bills for various purposes drafted, and many of them were introduced, the majority, though, being stopped in the Committees of the House and Senate. One bill attempted to force a wedge into the automatic gun question, through permitting the use of automatic rifles, caused considerable trouble, but was finally beaten in the Committee; another permitting the use of ferrets in taking rabbits, met the same fate. A bill to permit the killing of does, was reported out of Committee, but was defeated upon the floor of the House on second reading. The bill requiring resident hunters, to secure a license, before hunting in this Commonwealth, as drafted and presented at the instance of the Game Commission, met with the most strenuous opposition, and was defeated, still, it seems to me, it served its purpose well and attracted the attention of those who have, Session after Session, been disposed to oppose any kind of game protective legislation, so that they overlooked some things that they would otherwise have opposed.

A bill eliminating the use of steeltraps in taking bear was passed and signed, by the Governor, early in the Session. A bill was also passed and signed, limiting the number of decoys, that might be used by one person, at one time, in hunting ducks, to twenty; the indiscriminate and unlimited use of decoys by market-hunters, in certain sections, having developed into a nuisance, and the driving from the

waters, of many hunters, who were looking for recreation and pleasure only. This bill also forbids the shooting of wild water fowl before sun-rise in the morning, it being recognized that the flash of the discharge, in the darkness, invariably frightened the ducks out of the neighborhood. Another bill passed and signed by the Governor, made a uniform season for all game, as far as possible; the season as fixed by this act, for rabbits, squirrels, wild turkeys, ruffed-grouse, English, Mongolian, Chinese and Ring-neck pheasant, and quail being from the 1st day of November to the 15th day of December.

A bill was passed and signed by the Governor striking off the limitations as heretofore fixed upon our game preserves, both regarding the size of the preserves and the nearness of one preserve to another. This, it seems to me, is a move in the right direction, for while this bill did not emanate from the Game Commission, it is to be applied to our use entirely and gives discretionary powers that might be used to advantage sometimes, but it seems to me the powers thus conveyed, might well be considered carefully before being exercised. From experience, I am lead to believe that several small preserves of a size, but little, if any, in excess of those preserves already created, viz., nine miles in circumference, will mean more benefit to the State and meet with the approval of many more of our people interested in this matter, than would the creation of larger preserves, many times the size, permitted by the former law; the purpose of such preserve being to provide game for the people of the Commonwealth to hunt and take in season. I believe that in every instance the lines of our preserves should be located as far as possible from the border lines of the State lands, and never should be fixed on, or close to the line of private lands, so that the people of the State may be able to hunt in all directions around a preserve, without passing over private lands and without being turned aside by trespass notices. I believe that the taking of an unreasonably large tract of land, in any section of the State, will be resented by the residents of that section, and it seems to me it is only reasonable and just that their interests should be guarded as well as the interests of those who may reside far removed from that territory. If small preserves are created, into which game can retreat and be at rest, as under present conditions, the game within such preserve, is sure to increase and to overflow into the surrounding territory, to the benefit of men residing on that territory, as well as others, in this way creating a condition that in the majority of cases will be appreciated and approved, and not condemned. These preserves seem to be a solution of the game proposition, controlling as many phases of that subject as can be controlled in any one way. The absolute protection of deer within these preserves, protects the big buck, as well as the little buck, and continues his usefulness, and settles the question of reduced stamina, resulting from the killing of

mature bucks. Birds of various kinds are sure to migrate from these havens of refuge, into the surrounding territory, to take the place of those destroyed in various ways. One of our chief endeavors, within these preserves, should be, an absolute and systematic extermination of vermin, thus demonstrating the possibilities of game increase everywhere in the Commonwealth.

The Governor also signed our bill increasing the force of regular game protectors, from ten, to thirty, but as the Legislature failed to appropriate a fund for the payment of the salaries of these officers, or to supply in any way, the money through which even their expenses can be returned, we are in about the same position today, as we were last year, and must make the best of this condition until the next Legislature has convened.

Another bill signed by the Governor, and one meaning much to game protection in this Commonwealth, is the one that came from a direction other than straight game protection, and refers to the taxation and killing, of dogs, found running at large in this Commonwealth. Under former laws the land-owner and the lessee upon farms, or the constable, or the game protector, was given the right, under certain conditions, and during a certain season, to kill dogs *that might be running small game off land controlled by the owner of the dog*. Many farmers of this Commonwealth, and others, thought it was the duty of the Game Commission to send its officers over the State, killing dogs, that might be thus running to their injury, and we received numerous letters upon this subject from farmers and land-owners, who desired to use the game protectors to protect private rights, but, as the appropriation given to the Game Commission was not sufficient in size to pay for services rendered in this direction, and it was not made *our duty* to kill dogs, or to protect private property, we found it absolutely impossible to do the work expected, and but little was done. Under the provisions of the old law it was the *duty* of the assessor to assess all dogs found in his territory; it was made the *duty* of the owner of the dog to pay the assessment and to attach to the dog's collar, a metallic tax-tag, in form prescribed by law; it was the *duty* of the constable of that territory to kill all dogs not assessed, and not wearing such special tag, but, as there was no penalty whatever attached to the neglect or failure of either the assessor, the tax-collector, or the constable to perform *their duty*; that *duty*, in many instances, was not performed, and dogs were running everywhere. This law, makes it the *duty* of the assessor *to assess, under a penalty*; it makes it the *duty* of the constable *to kill, under a penalty*, and finally provides that all dogs not wearing this tag, before-described, *are a public nuisance*, and under certain conditions may be killed by any person. This should bring relief to us, in the

matter of complaints at any rate, and I believe will result in the removal of numerous worthless dogs, to the great benefit of game of all kinds, as well as sheep.

Our request for appropriation as made, was altered in some respects; for instance, we thought that our paid officers, who were meeting men with guns and daily taking their lives in their hands in the enforcement of the law, were worth more than \$50.00 per month, especially as each of them, almost without exception, had returned to the Commonwealth, in fines and penalties recovered, almost, if not quite as much, as he received from the State; we felt that an increase of \$10.00 per month was well deserved, and would not be excessive; this increase was denied by the Legislature, and we received for these men, the same amount as we received heretofore.

In addition to this, we have been given \$15,000, for the purpose of creating new game preserves and maintaining preserves under our control, and for the purchase and distribution of game of various kinds in the Commonwealth. We have already considered and planned the disbursement of this fund, and I now report to you, that the two preserves decided upon, one in Perry county, and the other in Westmoreland county, are in the course of creation, the wire for enclosing same is on the ground, and the protectors decided upon, are in charge, pushing the cutting of the firelines and the fastening of the wires, etc. I have contracted for the deer, fifty does and ten bucks, to be delivered about the first of February; I am doing all in my power to exterminate vermin of all kinds, so that the turkeys, or other game, planted thereon, may be as free from attack as possible. There appears to be quite a number of wild turkeys on the Perry county tract, and it may be possible for us to catch some of them for removal to other parts of the State. If this cannot be done, I am afraid we will have trouble in securing any large number of these birds. I am preparing to feed and care for all game, either native or imported, that may be found in the new territory. I think the stocking of these tracts, should be looked after first before game of any kind is secured for general distribution, and, therefore, call it to your attention.

State Police.

Fortunately for our work, we have in this State a splendid body of men known as the State Police, whose duty it is to not only enforce the laws relating to burglary and higher crimes, but also to enforce the game laws, and to help preserve our wild birds. I feel that the Game Commission, is to be especially congratulated because of the help coming from this body of men, and while we may not be able to increase our force of paid protectors, as we would like to; through the work of the State Police force, much good can and will be done.

The Increase of Vermin.

For the purpose of thoroughly understanding conditions, I am constrained, at this time, to touch at some length upon the possible harm to small game and birds of various kinds, other than game-birds, that is very likely to come, through the presence of predatory creatures, commonly known collectively, as vermin, such as foxes, wild cats, skunks, weasels, minks, red squirrels, owls, hawks, crows, and also the house cat and the half-starved dog, with many others that I might name, which creatures, in my opinion, jointly destroy far more of our small game, than is killed by hunters, or destroyed in any way, through the use of guns. Notwithstanding the statements of Dr. A. K. Fisher, of the Biological Survey, Washington, D. C., that, in his opinion, the disappearance of our game is directly attributable to the man with the gun, I must say, my experience teaches me differently, and I am satisfied that the man with the gun, is, in the great majority of cases, a protector, instead of a destroyer, of game. I believe, if it were not for the man with the gun, there would be no song birds or insectivorous birds left in the World, in a very limited time, because, the balance of Nature has been upset, the demands of predatory birds and animals exceeds the supply, the man with the gun is constantly destroying vermin, thus making it possible for our birds to exist. If this statement made by Dr. Fisher is correct, why is it, that our song and insectivorous birds, birds, that are not destroyed by the man with the gun, have failed to increase as they should and probably would do, were there not some enemy, or some condition, constantly depleting their ranks. Take for instance, a pair of blue birds, that will hatch twice a season, in Dauphin county, Pennsylvania, before they move further North for the summer. Four young birds at a hatching, which is the usual number, twice four, together with the old birds would make ten birds, the first year, and at the same rate of increase, there being no losses, there would be 6,250 blue birds at the end of five years. The wren hatches twice a season, having from four, to eight, at a hatching; take an average of six, and see what that would mean at the end of five years, there being no losses. No one will attempt to claim, that men with guns destroy either blue birds or wrens; yet, there is no such increase, and there must be a reason for this condition. Surely no one will attempt to argue that this increase has been prevented by men with guns, we know this is not the case, or through the natural closing of the life-cycle of the bird, from age, or through the premature closing of the life-cycle by disease; if it were because of natural death, or through disease, the dead bodies of the birds would be found frequently, far more frequently than they are under present conditions. To my mind, the facts as they exist, will sustain no such contention. I recognize the

fact that many of the birds and animals above-named as predatory, may possibly do some good through the destruction of rodents and insects and other things injurious to mankind, but I cannot help but believe, that the birds they kill, if left alive, would do far more good than these same predatory creatures, either singly or collectively. The statements of naturalists that an examination of the stomachs of many of these predatory birds and animals fails to show the presence of the remains of beneficial birds, is not evidence conclusive, to me, that no such birds were destroyed. I believe that these predatory creatures, gather food from sources, that because of habits, or because of the quantity, or environment, may be the most easily taken. I have handled the carcass of many predatory birds and animals, during my life-time, including numbers of foxes, and in the majority of cases, have found each one of them, lean and lank, with a comparatively empty stomach, sometimes the remains of one thing, sometimes the remains of several things, and many times the stomachs absolutely empty, going to show, that the predatory birds or animals, when killed, were hungry and ready to take any and every thing, that might come their way, and especially, those things, that might be taken through the least effort. There is no line of argument, that will satisfy me that a fox will refuse to take a ruffed-grouse, or a quail, in preference to mice, if the grouse, or quail, can be as easily secured as the mice, and I believe the experience of the great majority of hunters has lead them to the same conclusions. I know that it is not possibly to say exactly, what proportion of the supply of game birds, may be taken each year, by men, and what proportion may be taken by vermin, but we do know approximately the number taken by men, and we do know that the remainder, whatever that may be, to a great extent, disappears before the next producing season begins; we do know that upon territory where game is absolutely protected from men with guns, and vermin allowed to wander at will upon the same territory, there is no increase of game. I personally know of several tracts of land in Pennsylvania, where hunting by men in any manner, has been absolutely prohibited for a series of years, not a quail has been killed through the use of a gun, during that time, numbers of quail and other game birds, and game animals, have been purchased and released upon that land, during that period, yet the game has not increased. On land whereon quail in limited numbers were found when the territory was closed, not one can be found today, but you can see, where birds of various kinds have been torn to pieces, you can see, where a rabbit met his fate, you can see the nests of various kinds of hawks and of crows, in the trees, and in season, you can see, hawks and crows, following their usual vocation, you can see evidence of owls of various kinds, and hear their calls at night. If you find the homes of these owls, no difference what their species, you will find

to a greater, or less extent, the remains of small birds that have been destroyed, the bones and feathers being rejected. You can readily see, when the snow is on the ground, the tracks of the weasel, the mink, the house cat, the wild cat, the fox, and other creatures of that kind. We all know that these creatures, without exception, must live, and to my mind, it is the sheerest nonsense, to hope, to increase our small birds, other than game birds, or our small game, including grouse, wild turkeys and quail, unless something special is done to exterminate vermin, and I feel it is up to the Game Commission to lead in a positive movement for the creation of a fund, through the expenditure of which, vermin can be exterminated. I recognize the possibilities of fraud and deception, in making claims for bounties, but I believe the harm done in this way, is limited in extent, and is but a drop in the bucket, as compared with the great good that would come through the expenditure of a reasonable bounty fund annually, and by a reasonable fund, I mean a fund that will pay for the killing of the original stock, as well as the increase, or a part thereof; kill off not only the increase this year, but also a part of the parent stock, and there will be less to contend with next year. I think we should arrive at an understanding of conditions, as they exist, and hope the matter may be thoroughly considered, and such steps taken before the coming of the next Legislature, as may result in some action by that body relative to the extermination of vermin.

Financial Statement.

Our finances are in good condition. We started out on the 1st of June, 1911, upon our new appropriation. The following is a statement of the past two years, also that time from June 1st, 1911, to date, giving the amounts received from various sources, and the amounts disbursed:—

Dr.

To balance from former statements,	\$209 59
To Warrants on Appropriation:	
First quarter, first year,	\$2,550 00
Second quarter, first year,	2,500 00
Third quarter, first year,	2,550 00
Fourth quarter, first year,	2,550 00
First quarter, second year,	2,550 00
Third quarter, second year,	5,100 00
Fourth quarter, second year,	2,550 00
	<hr/>
	20,350 00
To Penalties and Costs:	
First quarter, first year,	\$5,339 73
Second quarter, first year,	4,158 71

Third quarter, first year,	3,329 26
Fourth quarter, first year,	1,120 64
First quarter, second year,	1,197 89
Second quarter, second year,	1,807 75
Third quarter, second year,	5,429 85
Fourth quarter, second year,	1,263 39

23,047 20

To Fees for Licenses:

First quarter, first year,	\$41 00
Second quarter, first year,	48 25
Third quarter, first year,	11 00
Fourth quarter, first year,	17 00
First quarter, second year,	16 00
Second quarter, second year,	19 00
Third quarter, second year,	22 75
Fourth quarter, second year,	14 00

189 00

To Proceeds of Guns Sold:

First quarter, first year,	
Second quarter, first year,	
Third quarter, first year,	\$63 30
Fourth quarter, first year,	445 40
First quarter, second year,	17 50
Second quarter, second year,	197 50
Third quarter, second year,	211 85
Fourth quarter, second year,	86 00

1,021 55

To proceeds of waste paper sold:

Third quarter, first year,	\$5 39
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5 39

To overdrawn check returned:

Third quarter, first year,	\$20 00
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20 00

\$45,442 73

Cr.

By Current Expenses:

First quarter, first year,	\$2,597 69
Second quarter, first year,	2,060 53
Third quarter, first year,	2,559 15
Fourth quarter, first year,	2,588 44
First quarter, second year,	1,588 91
Second quarter, second year,	1,081 90
Third quarter, second year,	4,403 03
Fourth quarter, second year,	2,500 23

\$19,979 88

By Deposits in State Treasury:

First quarter, first year,	\$4,928 60
Second quarter, first year,	4,019 46
Third quarter, first year,	3,291 95
Fourth quarter, first year,	1,509 00
First quarter, second year,	1,213 89
Second quarter, second year,	1,948 25
Third quarter, second year,	5,575 33
Fourth quarter, second year,	1,358 30
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	\$23,874 87

By Half—penalties returned to Prosecutors:

First quarter, first year,	\$427 50
Second quarter, first year,	145 00
Third quarter, first year,	154 50
Fourth quarter, first year,	74 04
First quarter, second year,	17 50
Second quarter, second year,	72 50
Third quarter, second year,	88 73
Fourth quarter, second year,	5 00
	<hr/>
	\$984 77
	<hr/>
	44,839 52
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Balance,	\$603 21
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Statement of Balance:

General fund,	\$599 71
Penalties on hand,	3 50
	<hr/>
	\$603 21

Estimated value of guns on hand and unsold \$200.00.

Total received from the State during the two years beginning June 1st, 1909, and ending May 31st, 1911, by warrants on Appropriation to the Board of Game Commissioners, \$20,350.00.

Total returned to the Commonwealth by Office \$23,874.87.

Total returned to Prosecutors, \$984.77.

Balance on hand, \$603.21.

Statement of disbursement of that part of the Appropriation to the Game Commission made for specific purposes; same being paid directly from the State Treasury to parties in interest without first coming into the hands of the Game Commission.

Dr.

By appropriation for June 1st, 1909 to June 1st, 1911, \$19,800 00

Cr.

By checks drawn directly upon the State Treasury for salaries of the ten regular protectors:

First quarter, first year,	\$2,475 00
Second quarter, first year,	2,475 00
Third quarter, first year,	2,475 00
Fourth quarter, first year,	2,475 00
First quarter, second year,	2,475 00
Second quarter, second year,	2,475 00
Third quarter, second year,	2,475 00
Fourth quarter, second year,	2,475 00
	<hr/> \$19,000 00

I desire in this connection to call your attention to the fact that while the General Appropriation Act of 1909 set apart \$40,200 to the use of the Game Commission, but \$20,400 comes to our use directly through this office, and during the two years ending May 31st, 1911, we received \$50 less than this figure, the salaries of the paid men coming to each one by check from the State Treasurer direct. The moneys thus paid out by check from the State Treasurer amounting in total to \$19,800.00 for the two years, leaving the before-mentioned \$20,400.00 for the use of this office, for traveling expenses of all the officers, pay per day to deputies and special deputies, under specific written orders of the Secretary, attorney fees, and such other necessary expenses connected with our work. Every payment made from this office is based upon a report from the claimant, in which the work done and expenses incurred are distinctly itemized and sworn to, receipts being required for all expenditures, outside of railroad fare, exceeding in amount 50c; the checks given by this office are protected by vouchers signed by the claimants, the services rendered and expenses incurred being clearly set forth, the number of the check given and the amount paid to each party, with the name to whom drawn and the date is made a part of this voucher. These signed vouchers together with the receipts as forwarded to us are deposited with the Auditor General, and passed upon by that office before a warrant for the next succeeding quarter is sent us. Notwithstanding our earnest effort to draw these vouchers consistently, making them as plain as possible, we are sometimes called before the Auditor General to explain or add to, the statements made on the face of a voucher, the auditor frequently saying, your office may thoroughly understand this matter and the moneys paid out are no doubt due; but, we must ask that you clearly specify in detail the transaction upon which this payment is based, so that this office, as well as your

own, may understand the matter, and the voucher may show plainly exactly what was done. To illustrate:—Sometime ago a certain violation was reported to us; our paid officers were so employed that I found it impossible to have any one of them do the required work; I therefore, wrote to a deputy, located in the neighborhood of where the violation was reported, directing that he look after this matter, and saying that this office would pay him for services rendered in this investigation, at the rate of \$2.00 per day and expenses not to exceed \$2.00 per day for a fixed period, naming the time. During the period he was thus employed, he made an arrest for another offense, securing a penalty of \$25.00, one-half of which he sent to this office with his report, and which was deposited with the State Treasurer, the officer retaining the other one-half, or \$12.50. In making out the voucher, I said a certain number of days, so much, expenses incurred, so much; total, less one-half of penalty retained, \$12.50 balance due, so much, and the check was drawn for that balance, deducting the \$12.50 retained during the time he was in our paid employ. The voucher appeared to me to be plain and clear, and I saw no fault in it, until I was called before the Auditor General, who pointed out to me that by permitting this officer to retain this \$12.50, and drawing my check upon the appropriation for the amount less \$12.50, I had increased the appropriation given to the Game Commission by the State just that amount, and which could not be allowed. In other words, I should have returned the \$12.50 to the State Treasury, instead of allowing the officer to retain that amount, and should have drawn the check against the appropriation, for the full amount of the claim made by this officer. If this man had been acting upon his own initiative, and had not been under the pay of this office, he would have been entitled to retain one-half of all penalties received by him, as the law provides that all prosecutors, excepting paid officers of the Game Commission, may retain one-half of all penalties recovered for violations of the game laws. When this man was placed upon our payroll for even a limited number of days, we considered that every dollar earned or collected during that time belonged to the State.

I am citing you this simply to show how clearly our accounts are criticized and examined by the Auditor General.

Respectfully submitted,

JOSEPH KALBFUS,

Secretary.

Statement of Finances Since June 1st, 1911.

First Quarter, June 1st, to August 31st, 1911.

Dr.

To balance from former quarter,	\$603 21
To warrant on appropriation,	2,550 00
To penalties collected,	2,626 82
To fees for licenses and tags,	10 10
To proceeds of guns sold,	79 50

5,819 63

Cr.

By current expenses,	\$1,295 85
By deposits in State Treasury,	2,710 92
By half—penalties returned to prosecutors,	5 00

4,011 77

Balance,	\$1,807 86
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Statement of Balance:

General fund,	\$1,804 36
Penalties on hand,	3 50
	\$1,807 86

Second Quarter, September 1st, 1911 to November 30th, 1911.

Dr.

To balance from last quarter,	\$1,807 86
To warrant on appropriation,	2,550 00
To penalties and costs collected,	2,683 15
To proceeds of guns sold,	247 50
To proceeds of licenses issued,	35 50
To proceeds of waste paper sold,	2 50

\$7,326 51

Cr.

By current expenses,	\$2,949 10
By deposits in State Treasury,	2,853 65
By half—penalties returned to prosecutors,	65 00

5,867 75

Balance,	\$1,458 76
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Statement of Balance:

General fund,	\$1,405 26
Penalties on hand,	53 50
	<hr/>
	\$1,458 76
	<hr/> <hr/>

Preserve Fund.

First Quarter, July 1st to August 31st, 1911.

Dr.

To warrant on appropriation,	\$1,875 00
By current expenses,	358 11
	<hr/>
	\$1,516 89
	<hr/> <hr/>

Second Quarter, September 1st to November 30th, 1911.

Cr.

To balance from last quarter,	\$1,516 89
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Cr.

By current expenses,	819 69
	<hr/>
Balance,	\$697 20
	<hr/> <hr/>

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ANNUAL REPORT

OF THE

GAME COMMISSIONERS

OF THE

STATE OF PENNSYLVANIA,

INCLUDING A REPORT OF THE

CHIEF GAME PROTECTOR

TO THE COMMISSION

FOR

THE YEAR 1912.

9

HARRISBURG:

C. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1913.

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REPORT OF THE BOARD OF GAME COMMISSIONERS.

To His Excellency, John K. Tener, Governor of Pennsylvania:

Sir: We herewith respectfully submit to you our report of work done through and under our direction during the years intervening between December 1st, 1911, and December 1st, 1912, with recommendations, and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our secretary for the same period.

From what we have been able to gather from this and other reports made to us, and from a personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds, classed as wild birds other than game-birds, are increasing in this State, and the benefit to the Commonwealth from this increase from an economic point of view is most marked.

The increase of game-birds, beyond that of last year, is evident in many sections of the Commonwealth; Quail being more plentiful in Pennsylvania than for many years; this increase of Quail being in evidence in most of the counties of the Commonwealth, excepting a limited number of counties in the southeastern part of the State, where because of close cultivation, it is impossible for these birds to exist at all.

More Ruffed-Grouse have been seen during the past summer and fall than has been the case for five or more years.

The reports of Wild Turkeys have been exceedingly flattering, and we believe there are more Wild Turkeys in the State to-day than there has been for many years.

There is no doubt whatever about the very decided increase of Deer and Bear. More Deer have been seen in the State than for twenty-five or more years, and while perhaps no more Deer were killed, because of the law prohibiting the killing of any deer excepting a "male deer with horns visible above the hair," this same provision has saved the lives of many does and small deer, that otherwise would have been slaughtered. While we are not, at this time, in position to definitely state the number of men killed and wounded in mistake for deer in the United States during the hunting season just passed, we take pleasure in saying that not one single instance of this kind in our State has come to our notice. We know there have been several men killed in this State and a number wounded during the open season this year, some accidentally and some in mistake for Turkeys,

but in so far as we are informed up to this time, not one has been killed or wounded in mistake for Deer. This condition speaks for itself, and the increase of Deer or the success of hunters is only incidental.

We desire to report the creation of two new game preserves or sanctuaries, created during the past year, one in Perry county, and the other in Westmoreland county, and stocked with Deer secured in Michigan, which appear to be serving the purpose intended, numbers of fawns are now following the does introduced. Wild Turkeys, Ruffed-Grouse, Squirrels and other game appear to realize that a condition of peace and safety prevails inside the wire, that is not found on the outside, and as a consequence, are coming into these tracts from different directions.

In thus reporting an increase of various kinds of game in this State we do not intend to have it understood that any species of game is over abundant, or that game collectively abounds in excessive quantity in any section of the State, we simply mean to say that there has been a fair increase of game of various kinds as compared with last year. What will become of this increase during the coming twelve months is a problem we are unable to solve.

When we consider the various methods of rapid transit in use today, the improvement in guns, in range and general killing possibilities, the expert marksmanship, and the toll demanded and taken from our wild life by bad weather, disease, starvation, and vermin, the only wonder to us is that we have game at all, and we feel that to retain such game in quantity as we have it today, requires the most intelligent and painstaking effort upon the part of those entrusted with the care of these things, not only in the fair enforcement of the law, but also in having our people understand what the presence of wild birds and of game mean to both our State and Nation.

We recognize the fact that game protectors are, in the enforcement of the game laws of this State, frequently called upon to meet men with guns in their hands, and that at best the work these officers are doing is dangerous.

We call your attention to the fact that mostly because of the effort of the limited number of paid officers at our command, we have been able to make a return to the State, in dollars and cents, of an amount more than equalling one-half of the Appropriation made to our use.

This cash return being entirely outside the value of the lifework of song and insectivorous and game birds, preserved through their efforts, or,

The value of game of all kinds as a food supply, or,

The benefit of recreation that comes because of the presence of the presence of game, or,

The fact that through hunting our young men secure an experience in the manipulation of guns, in camping, in going and coming through our fields and forests, either by day or by night, that fits them cheaply in time of peace to become efficient soldiers quickly in time of war, or,

The peace that has come to the several communities of the Commonwealth through the enforcement of the game laws, especially those provisions prohibiting hunting the year round, and the provisions making it unlawful for aliens to hunt or shoot, or be possessed of shotguns or rifles in this State;

These things jointly making a return to the State that in our opinion entitled these officers to a greater financial return, or salary, than is now paid them.

We recognize the fact that our force of officers as it now stands, ten Game Protectors, three attached to the office, and seven in the State at large, is entirely insufficient to do the work expected of us, and therefore recommend:—

That the entire force of game protectors, thirty in number as authorized by the amended section 3 of the act of June 25th, 1895, P. L. 273, entitled: "An Act to provide for the appointment of Game Commissioners, etc.," the amended section, P. L. 960. 1911, be put in commission, and that each of these men outside of the office be paid \$75.00 per month, instead of \$50.00 per month, as is now paid them, with an allowance for expenses not to exceed \$75.00 per month, such allowance to be paid only where the report of the office shows that such claimed expenses were necessary to the performance of his official work, and was actually expended.

After a careful consideration of the feasibility and possibilities of the matter we have concluded that it was advisable to re-introduce wild Elk into our forests, and with that end in view recommend that a law be passed giving a series of years, not to exceed six, of absolute protection to Elk in Pennsylvania, and providing that after a lapse of that time, but only one Elk may be legally killed in the Commonwealth by any one person in one season, which in every instance shall be a male Elk with antlers of not less than ten inches in length.

Because of the scarcity of game not only in this State, but also throughout the United States, and the undisputed fact that the sale of game is by far the greatest factor leading to its extermination, we recommend that the sale of all kinds of game, found in a wild state in the United States, be prohibited in this State, whether killed within or outside of the Commonwealth, excepting bear, rabbits and raccoon, and squirrels, and such game as may be raised strictly in captivity, under the provisions of section 7 of the act of May 1st, 1909, P. L. 325, entitled: "An act to provide for the protection and preservation of game, etc.," and such game as may be legally imported into the United States from foreign countries.

Because of the value as a weed seed destroyer of the wild bird known as the Turtle Dove, the scarcity of birds of this kind, and the absolute certainty of their extermination, under present conditions, we recommend that the Turtle Dove be taken from the list of game-birds in this State, and be accorded absolute protection.

We recognize the fact that the game law of this State as it stands today may not be the best law possible when divisions of the State along climatic lines are considered, but taken as a whole and relating to sections, North and South, and East and West, jointly, we feel that it is as nearly perfect as may be, and is far more useful as a protective measure, than could be possible under section laws, or county laws.

To summarize:—

We respectfully recommend:—That a law be passed giving absolute protection to Elk in this State; That a law be passed placing the Turtle Dove on the protected list;; That a law be passed forbidding the sale of all wild game of a kind found in a wild state in the United States, killed either within or outside of this State, excepting bear, rabbits, raccoons and squirrels, game imported from foreign countries, and game raised strictly in captivity within this State under the provisions of existing law, That an appropriation be given the Game Commission wherewith to maintain the Game Preserves now created, and to create additional preserves, and,

That an appropriation be made to our use sufficient in amount to permit us to employ the force of officers authorized by law, and to in other ways permit us to do the work expected of us, a work that to our minds is of great value to the State, also That no law be passed in any manner aiding in, or permitting the killing of game or wild birds other than is permitted at this time.

Respectfully submitted,

CHARLES B. PENROSE,

President.

WILLIAM B. McCALEB,

JNO. M. PHILLIPS,

LANING HARVEY,

COLEMAN K. SOBER,

ARTHUR CHAPMAN,

Board of Game Commissioners.

Harrisburg, Pa., December 1st, 1912.

To the Honorable Board of Game Commissioners of Pennsylvania:—

Gentlemen:—I desire, at this time, to make my report to you, considering game and wild birds, and general game protective conditions as they exist in this State to a limited extent. There appears to be a most decided increase in wild bird life, other than game-birds, everywhere in the Commonwealth, and especially in this the fact in those sections where the people are helping to destroy vermin of various kinds, including in the list the English Sparrow, and the House Cat, it having been established beyond reasonable doubt that while these two creatures may do some good, the Sparrow through the destruction of some insects, and the Cat through the catching of some rats and mice and some sparrows, the harm done by them through the destruction of beneficial birds and their nests, far exceeds the good done by either or by both combined, in any way. In other words, the beneficial birds destroyed by these creatures, if left alive, would do far more good than is done by the Sparrows and the Cats.

It has been my pleasure to talk frequently to various audiences during the past year regarding the value of the life-work of birds in this State and Nation, and especially to those gathered as students in the High Schools, and other Schools of the Commonwealth. Others are doing the same thing in various directions, with the result, that our people, especially the younger generation appear to have a better understanding than ever before, of what the presence of birds mean to each one of us, an understanding that has brought a condition of peace and rest to the bird world almost unknown before. The nesting birds in the open trees are undisturbed, and the erection and maintenance of houses for such of our birds as will live in artificially prepared habitations, is helping greatly to bring about a return of these birds.

Reports received from every direction in the State, excepting those parts where because of high cultivation even the old-time briar-patch in the fence corner has been removed, indicate a fair increase of our game-birds and animals, commonly known as small game, such as Wild Turkeys, Ruffed-Grouse, Quail, Rabbits and Squirrels, and to those who desire pleasure in hunting these things are most acceptable. I do not mean by this that we have game in this State in excessive quantity, or in numbers that would justify indiscriminate slaughter, but I do want it understood that we have more game-birds and more game-animals than we have had for years, that if given the protection it deserves, will beyond doubt in a limited number of years, restock our covers as they should be.

While the winter last past, was severe in so far as low temperatures were concerned, our game-birds, such as the Wild Turkey, the Ruffed-Grouse, and the Quail, seem to have wintered well, and the contention that these birds, if kept dry and well-fed, will but seldom freeze, no matter how severe the weather, has been strongly reinforced; we had more old birds left in this State this Spring than we have had for many years. This, in addition to a favorable hatching season, seems to have resulted in splendid coveys of all kinds of game-birds in every part of the State, where these birds are found at all.

In the mid-summer I visited some of the public game preserves of the Commonwealth, and wish to assert that each one of these tracts are doing the work intended, and demonstrating the benefit of thorough protection, including that given through the extermination of vermin. While on the preserve in Clearfield county, I saw, at one view, three female grouse in an old road, each one with a brood of little ones of not less than twelve. These birds were all on a stretch of road not exceeding forty feet in length, and were all in view at the same time. I never before, in all my experience, saw more than one brood of young grouse in one place at one time. During this visit I saw six broods of grouse in this preserve, inside of three hours, and heard another. The keeper of the preserve told me he believed he had a grouse to every acre of land inside the wire, and when I said: "You have more than three thousand acres in this preserve." He replied: "And I have more than three thousand grouse." When I inquired what had brought about this result, he replied: "The destruction of vermin. I purchased and distributed the flesh of four dead horses last year, which I loaded with strychnine, with the result that during the late snows, not a track of a fox, or a wild cat, or a weasel, or a skunk, or of any predatory animal could be found inside the wire, and many a crow quit his travels." Again, demonstrating the possibilities of game increase under proper care, and the necessity for a bounty; for just as is the condition in this preserve, so is the condition in every preserve under our care, and just as game has been increased in these havens of refuge, through the destruction of vermin, and because of the feeding of game, so it can be increased everywhere in the State, if the incentive is maintained, and it seems to me that the hope of securing a reward in the shape of dollars, is to many, the greatest inducement that could be advanced for the extermination of predatory creatures of all kinds.

I am more than ever satisfied that the man with the gun gets but a small part of the small game brought into existence, not to exceed twenty per cent. at the outside, and that the remainder is destroyed by either starvation or disease during severe winters, or by vermin, as is being constantly demonstrated; vermin, in my opinion, taking the greater part.

The feeding of game on our preserves, as has been our custom for many years, also demonstrates the benefit that comes through such action; even those birds that are known as "budders," that is, birds that when the ground is covered with ice and snow gather their food-supply from the buds found on the tree-tops of certain trees, such as the popular, the birches, and trees of like kind, are undoubtedly benefited. We also fed birds outside of the preserves in various places. At one place a gentleman, a special deputy game protector, started to feed and protect several flocks of wild turkeys, aggregating sixty-five birds in number, his bill for services was \$47.50, \$25.00 for corn and other feed, and \$22.50 for services in feeding and the extermination of vermin. His reports made after the snows had gone, show that through his efforts sixty-four of these birds had been preserved, but one having been lost. His later reports show that many of these birds, now have nice broods of young turkeys following them. Corn, oats and buckwheat were the grains mostly used.

My attention is almost daily called to the disease among the wild Chestnut Trees known as the Chestnut Blight, a disease that appears to be spreading everywhere, and that bids fair to kill, within a limited time, every tree of that kind in our Commonwealth, in this way causing a decrease in the natural food-supply of our wild-life, a loss that, to me, seems beyond expression in words or figures, and that must be supplied in some way, if we hope to have our Deer, or our Wild Turkeys, or our Ruffed-Grouse, live through the fall and winter months. This condition seems to prevail in every part of our State, and, to my mind, is the most serious question that has confronted our people during my life-time, for the destruction of the Chestnut, means, not only the loss of that particular nut to our game, before-mentioned, but a most decided reduction in the food-supply still remaining, because the various other wild creatures, such as squirrels, rats, mice and other animals, found in the woods, that now during a fixed period, to a great extent, live upon the Chestnut, must hereafter derive their sustenance from the remaining supply of whatever that may be, and when that supply falls below the demand, there is sure to be serious trouble. I do hope that some species of Chestnut may be discovered that will prove immune to this blight, through the planting of which our food-supply to wild-life may be maintained, and that this trouble can be controlled is the contention of Mr. C. K. Sober, who asserts that his Chestnut Farm, in Northumberland county, is kept clear of the disease through constant care and attention. If this is possible in one case, it should be possible in all cases and opens an avenue through which this disease may finally disappear. I hope that some remedy may quickly be discovered to not only stay, but also to eradicate this disease among the native trees, and I hope those

interested in game preservation will in the meantime, and before it is too late, give the necessity for feeding our game during the winter, that consideration it deserves.

We have a fair supply of game this fall, and it is now up to the sportsmen, to the farmer, and to all lovers of wild life to do more than ever before for the feeding of our game during the coming winters if the supply of game is to be maintained.

I again reiterate the hope that some method can be devised, through which money may be provided for the payment of that bounty as now fixed by law, on those four animals—the wild cat, the fox, the weasel, and the mink—each one of which constantly destroys day in and out, the year round, the wild cat especially being exceedingly destructive, frequently killing fawns, and some times even full-grown deer, and through which wild birds of various kinds may be fed.

I call your attention to the fact that we are frequently in receipt of letters from individuals, including some farmers, asking for help in feeding Quail and Turkeys found in certain sections, and must say I have had no little difficulty in answering these questions to my own satisfaction. No doubt my replies, in many instances, have not been gratifying to all who received them, but I have held that the State would not attempt to supply food for Quail found upon private property, unless the owner thereof would guarantee absolute protection to such birds, in this way creating a limited game preserve that would surely cause an increase that would overflow into surrounding territory, or, would open their lands to lawful hunting during the open season. I have in mind several instances where sportsmen during a series of years have trapped Quail and cared for them during the winter, releasing them in the spring-time, or had purchased grain and carried it out to the birds, thus preserving them beyond question. because the farmer did nothing in either of these directions, only to be denied the right to hunt these same birds and their increase on such lands by the owner thereof, because such owner desired to reserve the hunting of such birds to himself or his friends. This, to me, seems entirely wrong, and I have felt that the life-work of these birds made a full return to the owner of lands for any outlay he might make to perpetuate the birds, and that while the owner of lands had and should continue to have the right to control the hunting privileges upon his lands in such manner as to him might seem best. it was not the province of the Game Commission to expend the moneys at its command in any manner except for the public good. If the owners of land will give absolute protection to these creatures found thereon, neither killing the birds themselves or permitting them to be killed by others upon their property, or, will open their lands to legal hunting, it might be well for the State to help feed the birds in such places, otherwise, this should not be done.

Because of the absence of Elk in a wild state in this Commonwealth, the law giving protection to these animals was some years ago so worded as to remove the protection formerly given to Elk. It now appears that herds of Elk found upon the public domain in the far West are annually subjected to severe suffering and death by starvation because of the limitation and taking for agricultural purposes of their winter feeding grounds, and that because of this condition, the National Government is anxious to reduce the Western herds by placing numbers of these animals elsewhere to their benefit, the cost to those receiving such animals being only the expense incurred in their capture and transportation to any designated point. While we are aware of the disposition of Elk to wander long distances, and to sometimes remove themselves entirely from the territory upon which they may be released, it might be that some would remain in our forests to the benefit of our people, and I refer this subject to you at this time for your consideration. You will notice by a reference to our financial statement that almost one-half of the fund appropriated to our use, for game preserve purposes, remains unexpended, and it might be well for us to create another game preserve specially dedicated to an effort to re-establish Elk in Pennsylvania, and also to distribute a limited number of these animals in the preserves already established, considering that perhaps it will be imperative, to supply a certain quantity of hay and grain each year for winter use of these animals in this climate. If this undertaking is considered feasible, the law can be so fixed as to give the protection needed, before these animals could be secured from the West.

I believe it would be well to locate the Elk that may be received upon those of our preserves located upon the largest tracts of our State Forestry lands as far as possible from cultivated lands, and as near the center of the State as may be, in this way giving the animals as great range as possible, and at the same time reduce to the minimum the danger of injury to growing crops by these animals and the possibility of their wandering out of our jurisdiction. A limited area should be at once enclosed in which the imported Elk may be retained and fed until vegetation has fairly started in the Spring-time.

I have contracted for and expect to receive before next Spring a number, approximating seventy (70) Wild Turkeys, the contract price being sliding, and not to exceed \$10.00 per bird. The price asked last year was just double that asked this year.

I have found it exceedingly hard to get native game birds of various kinds for propagating purposes at any price. Ruffed-grouse cannot be secured at all, and the supply of Wild Turkey and Quail on the market is limited indeed, not because these birds are more scarce than for several years past, but because the laws of almost

every State of this Union forbid the shipment of such birds, either living or dead, outside of their respective boundaries. Wild Turkeys and Quail can be legally secured from but two or three directions; one of the States at this time permitting the sale and shipment of Wild Turkey is Maryland, from which I hope to secure a few birds raised in semi-captivity; that is, the eggs laid by Wild Turkeys were placed under ordinary chickens; each young bird, a short time after being hatched, having the tip joint of one wing removed, thus preventing the birds from flying any distance and permitting their retention inside a fenced inclosure without cover. I believe, therefore, that it would be well for us to enclose upon such of our preserves as may be considered suited to such purposes, a limited space not to exceed four or five acres, with a woven wire fence eight feet in height, wherein these birds may be retained and used as breeders, the product, if any, to be released at the proper time in various sections of the State, such birds as may be received in mutilated shape to be released as soon as possible in the Spring.

In some of the States of this Union, many of the people have become impressed with the idea that something should be done artificially to help increase the game of that State, and propagating farms have been advocated as the means best adapted to secure satisfactory results in this direction. The same idea has found lodgment in the minds of some of our citizens. It is a well-known fact that the efforts to raise Ruffed-Grouse or Quail in captivity has not, up to this time, been rewarded with any marked degree of success, so those advocating this procedure, heretofore followed, have turned to imported birds as a last resort, and especially in this connection has the ring-neck pheasant, either English or Chinese, and the Hungarian Quail, been considered. Upon this subject I have already made a full report in writing, and will not dwell longer upon it at this time.

I am more than ever convinced that the public game preserve, in which our native birds can find peace and safety, and increase in a wild state, is our only hope.

I desire to call your attention to the fact that the number of Game Protectors under pay at this time is but ten in the Commonwealth, three in the office and seven in the field, a force entirely insufficient to perform the work expected of us. While every constable of the State is a Game Protector, and it is especially made his duty by the act of March 22nd, 1899, P. L. 17, to enforce the game laws, there is not to exceed one in a hundred of the constables of Pennsylvania who do anything in this direction, and while we have several hundred special deputy game protectors, whom we can request to do certain things and who can comply or refuse to comply as to them may seem fit, we have but eight men whom we can command and expect a compli-

ance with the order. These eight men, one from the office and seven outside of the office, are all hard-working, earnest and energetic workers, men who because of long experience are competent to do the expected work and who are doing it, and who in accomplishing the tasks presented are constantly called upon to meet men with guns in their hands; men who over and above the protection guaranteed to our game and wild birds are making returns in cash, through fines and penalties, of fully one-half the money appropriated to their use, as will be seen by a reference to our books or to our financial statements as attached to our reports. I therefore, under these circumstances, feel that these men should be better paid, and most earnestly recommend that all our officers, outside of the home office, be paid \$75.00 per month, instead of \$50.00, as at the present time. I also feel that the full force of thirty Protectors, as authorized by law, should under the same conditions be as quickly as possible be put in commission. I am satisfied that game and bird protection means greater benefit to the State than does many of the propositions that secure far more help from the State. Some of these benefits I have tried to bring before the people in our pamphlets, Bulletin No. 1 relating to game, and No. 2 relating to the life-work of birds.

I report to you that under your directions I attended the meeting of the National Association of Game Commissioners and Game Protectors, held at Denver, Colorado, during the 1st, 2nd and 3rd of September, just passed; also the National Congress of Conservation, held at Indianapolis, Indiana, beginning on October 2nd, 1912. Mr. John M. Phillips, one of our Game Commissioners, accompanied me to both places. At Denver, we met a number of practical Game Protectors, some thirty States being represented, and had an interchange of thoughts and ideas, that is sure to result in benefit to those present, and to the States they represented. At Indianapolis, there appeared to be too many people, too many theoretical ideas and not enough time to consider anything in a beneficial way.

I take pleasure in saying that I believe the old-time idea that the Game Commission was created simply to increase game for men to kill is rapidly giving place to the knowledge of the fact that our work extends far beyond this thought, and that instead of preserving and increasing for the sole purpose of destroying, our work is to preserve and conserve, because of the value of the life-work of birds; the worth of the food-supply, or the pleasure of the chase, or of recreation, or of training in the use of guns secured through hunting, with all these things means, appear to be of light weight, when compared with the value of the life-work of birds, and the people realizing these things are helping us in our work in a way that is most gratifying.

I attach herewith a financial statement commencing with the 1st of December, 1911, the date of my last annual report and ending De-

cember 1st, 1912, and would call your attention to the fact that but \$20,400.00 of our appropriation of \$40,200.00 made to cover two years is handled by this office, \$19,800.00 being paid by check of the State Treasurer direct to the Game Protectors as salaries during the said two years, under the provisions of the act of June 14th, 1911, See General Appropriation Act bound separately from the Pamphlet Laws.

Third Quarter, December 1st, 1911, to February 29th, 1912.

Dr.		
Balance from last quarter,	\$1,458	76
Warrant on appropriation,	2,550	00
Penalties and costs collected,	4,294	63
Proceeds of guns sold,	53	50
Proceeds of taxidermists' licenses,	17	00
Proceeds of propagating licenses and tags,	2	29
Proceeds of special license,	1	00
		<hr/>
		\$8,377 09
Cr.		
Expenses for quarter,	\$3,820	19
Deposits in State Treasury,	4,092	68
Half-penalties returned to prosecutors,	292	65
		<hr/>
		8,205 57
Balance,		<hr/>
		171 57

Fourth Quarter, March 1st, to May 31st, 1912.

Dr.		
Balance from last quarter,	\$ 171	57
Warrants on appropriation,	5,100	00
Penalties and costs collected,	4,812	17
Proceeds of guns sold,	84	75
Proceeds of taxidermists' licenses,	12	00
Proceeds of non-resident license,	10	00
Proceeds of propagating licenses,	4	00
Proceeds of ordinary license,	1	00
Expenses advanced and returned by officers,	25	00
		<hr/>
		\$10,220 49
Cr.		
Expenses for quarter,	\$2,659	87
Deposits in State Treasury,	4,923	92
		<hr/>
		\$ 7,583 79
Balance,		<hr/>
		\$ 2,636 70

Fifth Quarter, June 1st to August 31st, 1912.

Dr.		
Balance,	\$2,636	70
Penalties and costs collected,	1,481	50
Proceeds of guns sold,	114	85
Proceeds of taxidermists' licenses,	11	00
Expenses advanced and returned,	50	00
		<hr/>
		\$ 4,294 05
Cr.		
Expenses for quarter,	\$2,069	29
Deposits in State Treasury,	1,602	35
Half penalties returned to prosecutors,	5	00
		<hr/>
		\$ 3,676 64
Balance,		<hr/>
		\$ 617 41

Sixth Quarter, September 1st to November 30th, 1912.

Dr.		
Balance,	\$ 617 41	
Warrant on appropriations,	2,550 00	
Penalties and costs collected,	2,907 76	
Proceeds of guns sold,	432 65	
Proceeds of non-resident licenses,	70 00	
Proceeds of taxidermist licenses,	20 00	
Proceeds of propagating licenses,	6 00	
Proceeds of ordinary license,	1 00	
Proceeds of special license,	1 00	
Costs on hand,	40 00	
		<u>\$6,645 82</u>
Cr.		
Expenses for quarter,	\$3,037 50	
Deposits in State Treasury,	3,438 41	
Half-penalties returned to prosecutors,	40 00	
Balance,		<u>\$129 92</u>

STATEMENT OF PRESERVE FUND

Third Quarter, December 1st, 1911, to February 29th, 1912.

Dr.		
Balance from last quarter,	\$ 697 20	
Warrant on appropriation,	1,875 00	
		<u>\$ 2,572 20</u>
Cr.		
Expenses for quarter,	\$1,366 77	
		<u>\$1,366 77</u>
Balance,		<u>\$ 1,205 43</u>

Fourth Quarter, March 1st, to May 31st, 1912.

Dr.		
Balance from last quarter,	\$1,205 43	
Warrants on appropriation,	3,750 00	
Amount returned by officer,	1 75	
		<u>\$ 4,957 18</u>
Cr.		
Expenses during quarter,	\$3,112 36	
		<u>\$ 3,112 36</u>
Balance,		<u>\$ 1,844 82</u>

Fifth Quarter, June 1st to August 31st, 1912.

Dr.		
Balance from last quarter,	1,844 82	
Refund from Adams Express Company,	5 94	
		<u>\$ 1,850 76</u>
Cr.		
Expenses during quarter,	\$,258 90	
		<u>\$1,258 90</u>
Balance,		<u>\$ 591 86</u>

Sixth Quarter, September 1st to December 30th, 1912.

Dr.		
Balance from last quarter,	\$ 501 86	
Warrant on appropriation,	1,875 00	
		<u>\$ 2,400 86</u>
Cr.		
Expenses for quarter,	\$1,392 59	
		<u>\$1,392 59</u>
Balance, December 1st, 1912,		\$1,074 27

Respectfully submitted,

JOSEPH KALBFUS,
Secretary, Board of Game Commissioners.

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MAR 18 1914

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ANNUAL REPORT

OF THE

7th GEN.

GAME COMMISSIONERS

OF THE

STATE OF PENNSYLVANIA

INCLUDING A

Report of the Chief Game Protector
to the Commission

FOR

THE YEAR 1913

HARRISBURG, PA.:
WM. STANLEY BAY, STATE PRINTER
1914

THE UNIVERSITY OF CHICAGO
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REPORT OF THE BOARD OF GAME COMMISSIONERS.

To His Excellency, John K. Tener, Governor of Pennsylvania:

Sir:—We herewith respectfully submit to you our report of work done through and under our direction during the year intervening between December 1st, 1912, and December 1st, 1913, with recommendations, and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather through the various reports made to us during the past year by our Secretary, together with reports that have come to us from private sources, and from what we have learned by our own personal observation, we believe the game season just closed has been one of the most successful seasons enjoyed by sportsmen for many years, and that we believe that a fair quantity of game for propagating purposes has been left in the fields and woods. What effect the deep snows now covering Pennsylvania may have upon this remnant of game we are, of course, unable to say, but view the present condition with alarm.

The number of hunters in the field as shown by the issue of Resident Hunter's Licenses far exceeds our estimate in this direction, and when we consider the number of hunters in the Commonwealth, the improved methods of transportation through which hunters can cover many times the territory covered a few years ago, the high grade accuracy of firearms and ammunition, expert marksmanship, forest fires, shortage in the food supply for our wild life, vermin and deep snows, with consequent starvation, we are indeed surprised that game exists at all, and considering these questions are impressed more than ever before with the need of concerted action on the part of all the people in behalf of our wild life. We are impressed with the imperative necessity for a shorter and more uniform law governing the time during which game may be taken in this Commonwealth, especially the taking of game birds. We are now making a special study of the question of how best to maintain, and, if possible, increase our game, and believe that through additional protection, which includes the feeding of our wild life during the wintertime, we can better attain the desired end than in any other way.

We believe that the money collected through the Resident Hunter's License Act, when made available by appropriation, will supply the power to do that which could not have been done without this act, and we feel the responsibility resting upon us to apply that part of the money coming to our use to the best advantage of those who contribute to the fund. Game sanctuaries in the mountains where large game can be closely guarded is in our opinion a step in the right direction, but all sportsmen are not big game hunters, and we see the necessity of deciding upon some method through which the revenue derived through the Resident Hunter's License may be applied as nearly as possible to the benefit of those who contribute to this fund for the protection and propagation of game generally throughout the State. We hope to be able before the meeting of our next Legislature to evolve some feasible plan through which this can be accomplished.

We also feel that while the Resident Hunter's License Act as it stands to-day is possessed of great possibilities for good, there are certain features that should be amended as quickly as possible, especially in those particulars regulating the use of guns by boys under 16 years of age.

We call your attention to the fact that the number of hunters killed in Pennsylvania this year through the use of guns is in the neighborhood of 18, as compared with 49 last year. The number of wounded from the same cause is in the neighborhood of 60 as compared with 150 last year, this improved condition being the direct result of this Resident Hunter's License Act that eliminates the small boy from the field as a hunter of game birds or animals, but still permits him to carry a gun for the purpose of hunting birds and animals not protected by the law.

We are especially gratified to know that public opinion in this State and Nation appears to be surely drifting towards additional protection to our wild life, as is shown by the Act of our State Legislature and the Act of Congress empowering the Agricultural Department at Washington to adopt rules and regulations controlling the taking of migratory birds of all kinds, which action even so short a time as one year ago was considered by many to be an impossibility. To-day it is an accomplished fact and means much to our Nation.

We report that the seventy-two (72) elk released in this State, with their increase, appear to be following the gypsy disposition of their kind in other parts of the United States; that is, to wander far and to have no fixed abode and believe it would be well to let time demonstrate whether or not these animals will be beneficial to the Commonwealth.

We feel that we are able to-day because of increased appropriation given to our use for certain purposes to render much better services than we were able to render heretofore, and hope to demonstrate that the confidence placed in us by the Legislature and by you has not been misplaced.

Our work up to this time has been conducted along conservative lines and always within the appropriation given to our use, and we call your attention to the financial statement of our Secretary in this respect, but at this hour we feel that we are seriously handicapped by the lack of funds to be used for the purchase of game and the feeding of our wild life in this State. The same amount was given us for game preserve purposes by the last Legislature that was given us two years ago. We have created six preserves or sanctuaries in this State, and the maintenance of these preserves alone for two years will almost consume the entire fund given to us for this special purpose. We are almost daily in receipt of appeals from different parts of the State for help in feeding turkeys and quail. We know that because of the deep snows now covering the State many of these birds will surely perish unless food is supplied.

Under the provisions of a recent act we have closed four counties in the Commonwealth; Cambria, Westmoreland, Somerset and Fayette, to the killing of deer for a term of three years. But few deer are found in a wild state in this territory and it is hoped by the people of that section that the Game Commission will supply deer in sufficient numbers to fairly stock this territory during said period. Where the money is to come from to either buy these deer or to feed the birds in the Commonwealth is a problem we have up to this time not been able to solve.

We thank your Excellency and the members of the Legislature for the consideration given the three bills; that one giving protection to doves, the one regulating the sale of ruffed grouse and quail in this Commonwealth, and the bill giving protection to elk, that were drafted and presented at our instance, and also for the consideration given certain bills bearing the endorsement of this Commission.

We deeply regret the passage of the several bills passed by the last Legislature altering in various ways the provisions of our laws relative to the open seasons.

We call your attention to the fact that during the year ending with December 1st, 1912, we returned to the State Treasury \$14,057.36, which amount had been collected as fines and penalties, etc., and for the year ending with December 1st, 1913, we returned moneys collected in the same way amounting to \$8,539.47, making a total for the two years returned to the State Treasury of \$22,596.83. Our ap-

propriation for enforcing the Game Laws during the same period was \$40,100.00, so that we have returned to the State more than half of the amount given to our use for this purpose.

Respectfully submitted,

C. B. PENROSE,

President.

JNO. M. PHILLIPS,

ARTHUR CHAPMAN,

LANING HARVEY,

WM. B. McCALEB,

C. K. SOBER,

Board of Game Commissioners.

Harrisburg, Pa., December 1st, 1913.

To the Honorable Board of Game Commissioners of Pennsylvania:

Gentlemen:—I desire, at this time, to make my report to you for that time intervening between December 1st, 1912, and December 1st, 1913, supplementing the various minor and special reports I have made to you during that time, and since the convening of the Legislature, by letter and otherwise. I now make this my Annual Report for 1913, covering as far as possible the work done under your direction, both in and outside of this office, since by last report. There were forty-one (41) bills introduced in the last Legislature, eleven (11) in the Senate, and thirty (30) in the House, relating to proposed changes in the Game Laws of Pennsylvania, most of them drafted entirely from local viewpoints. Some of these bills were introduced by friends of game protection and some of them by those whose only desire was to see protection to game taken away and the path opened through which, without the fear of penalties, not only our game, but also our useful wild birds of all descriptions could be exterminated.

Three bills introduced in the Senate,—

One giving protection to doves, kill-deer and blackbirds,

One prohibiting the sale of feathers taken from wild birds belonging to the family of birds found in this Commonwealth, and

One permitting the Game Commission to close certain counties to the killing of elk and deer for a term of years, were passed and signed by the Governor.

Eight bills introduced in the House,—

One giving protection to elk in Pennsylvania,

One requiring resident hunters to secure a license before hunting,

One placing a bounty on certain noxious animals and birds killed in this Commonwealth,

One changing the open season for hunting,

One adding two inches to the length of the antlers of a deer,

One prohibiting the sale of grouse and quail, no difference where they might be killed, and forbidding the sale of wild water fowl killed in the State between January 1st and September 1st, also forbidding the sale of wild water fowl brought into this State from another State between January 1st and September 1st,

One forbidding the use of guns upon lands set apart to picnic or recreation or sanitarium purposes, and

One declaring a closed season for wild turkeys for a period of two years,

making eleven bills, were passed by the Legislature and signed by the Governor, each one of which seems to have been necessary to give additional protection to our game and wild birds, excepting that one changing the open season, which one to my mind was not intended to, and does not, secure that end; a sad mixing of seasons that means extermination rather than protection of game, and should be looked after as quickly as possible. It seems to me that because of improved methods of transportation to hunters and their dogs, automobiles, etc., improved guns and expert marksmanship, that our game, especially game birds, cannot stand a longer season than thirty (30) days, and considering all conditions, North, South, East and West, that it should be the month of November only for birds. The season for bear and for deer might well be fixed outside of this month without danger to birds. If bear and deer hunters were limited to the possession of rifles when hunting big game, the rabbit season might well be extended to the end of December, if the use of bird-dogs was forbidden during the said month of December, but as these are questions for future consideration I mention them here only as suggestions.

RESIDENT HUNTER'S LICENSE BILL:

As you are aware, I had but little to do with the drafting of this bill as it was introduced in the last Legislature, the Game Commission as a body having nothing to do whatever with this matter. Those having this bill in hand even rejected certain suggestions that I presumed to make, the suggestions being based upon the thought that such provisions were imperative to secure and make possible the proper enforcement of this law. As for instance, that provision of the bill requiring residents of this State to be possessed of the license only when hunting for birds or animals protected by the Game Laws of this Commonwealth. My contention was that this wording would open the door to all kinds of trouble and render almost impossible the conviction of either a man or boy found hunting without a license if that man or boy made affidavit that he was hunting for something not protected by the Game Laws.

I suggested that no person be permitted to claim a bounty to be paid from the fund created under the provisions of this Resident Hunter's License Act unless he himself had paid a license fee. It did not seem fair to me to exempt the land owner or lessee of land, who might reside upon such land and cultivate the same, or to exempt the children of either of these individuals, from the payment of this license fee and then say that they should receive a fee of \$2.00 for killing a fox or a weasel that might be caught in the act of destroying their own, personal property; poultry, for instance, or the rabbit in which all of the people of the Commonwealth have a joint

ownership, this same rabbit being protected from the licensed hunters outside by trespass notices, afterwards to be killed by the owner of the land and sold to the very man who paid a part of the fee he received for killing the weasel. I recognize the fact that those drafting this Resident Hunter's License Bill, and those favoring its passage, were hard pressed for votes to secure the passage of this bill, and that they were compelled to omit important provisions from the bill as well as to add provisions that otherwise would have been eliminated.

EFFECT OF THE RESIDENT HUNTER'S LICENSE BILL:

That great benefit will come to the State through the passage of this measure it seems to me cannot be questioned.

Through the provisions of this bill a fixed source is established through which revenue is provided to be applied to game protection and increase in various ways, and sportsmen of the State cannot be accused of begging that moneys needed for the support of hospitals, or schools, or good roads, or any other public purpose, shall be applied to their benefit.

A fixed fund from which bounties are to be paid has been created.

A fund has been established through which large game and small game, where possible, may be purchased for distribution, and through which our game birds may be fed and cared for during severe winter weather.

To my mind one of the great features of this Resident Hunter's License is that it places the sportsmen of this Commonwealth in a position where they, and they alone, are paying for protection to the birds they desire to kill as game birds, and I feel that because of this condition they alone, the sportsmen, should be considered in the enactment of laws relating to the killing of game, to the length of seasons during which birds may be killed, and to any other conditions relating to the taking of game. While the money collected through the Resident Hunter's License will be applied to the protection of birds the lifework of which means benefit to all the people as well as to game, the sportsmen alone are responsible for the fund that gives protection to game, and it seems to me any other influence should not be permitted to regulate game seasons or conditions. The amount of money that will be realized through the Resident Hunter's License far exceeds our outside hope. While we are unable at this time to give the exact figure that will be secured, we are in position to say that through our effort more than 330,000 licenses have been printed and placed in the hands of the County Treasurers. The majority of these licenses have been taken. We are informed that 25,000 or 30,000, or more, hunters were unable to secure the license, receiving instead a receipt from the County Treasurer. From

reports already made to the State Treasurer and to this office by County Treasurers it would appear that a fund far in excess of any fund ever given to the Game Commission of this State will be in the hands of the State Treasurer at the beginning of the next Legislature to be applied through appropriation to game and wild bird protection, including the payment of bounties. We are satisfied from the reports received that more than 300,000 licenses were taken. We are satisfied that fully 75,000 or more land owners, their tenants, and the children of such owners and tenants, hunted in Pennsylvania without a license during the last or 1913 open season, making a total of in the neighborhood of 400,000 men with guns destroying our game, and the only wonder to me is that we have one single animal or bird left in the Commonwealth. If we had 400,000 hunters and each hunter killed but five (5) rabbits, and it seems to me that this is a fair average, for while some men may have killed no rabbits at all, or but few, others killed in large numbers, so that an average of five seems to be fair. This means 2,000,000 rabbits killed in Pennsylvania. If the average of ruffed grouse was but two (2) to the hunter in Pennsylvania, it would mean 800,000 ruffed grouse. When I consider that our game birds are not migratory, that they must stay in the section where they are reared to face not only men with guns, but vermin, disease, starvation, consequent upon climatic conditions, the only wonder to me is, as I said before, that we have game at all, and it seems to me imperative if that game is to be continued that the seasons during which men may hunt must be restricted, that vermin must be exterminated, and that our game birds must be cared for during severe winter weather.

REARING GAME IN CAPTIVITY:

Right here I desire to say that in my opinion the killing of vermin and the feeding of our own native birds is of far greater importance than any other questions under consideration. It is a well-known fact that game birds such as grouse, quail, and wild turkeys cannot be bought to-day from other States as they were bought in former years, and it is up to us to protect and save those birds that we may have. I have had occasion through the last several years to collect data relative to the feasibility of raising foreign birds in captivity and the releasing of such birds for propagating purposes in a wild state, and find that while many thousands of dollars, yes, I may say, many millions of dollars, have been spent in this direction throughout the United States, the return secured will in no way justify the expenditure made. I find that while many States and many individuals have for years been experimenting along these lines the effort in the majority of cases has been unsuccessful, and

that in the few limited places where imported birds have increased such success has come not because of any peculiar adaptability of the birds to our climate, but instead strictly because of environment and conditions found in but a limited number of sections in the United States. Such conditions are not found in this State. It appears to be easy enough to raise ring neck pheasants and Hungarian quail in captivity, but it has not been so easy to have them increase in a wild state where, to use a common expression, they were "compelled to scratch for themselves." I have talked with and written to men from almost every State in this Union regarding this matter, and the great majority of replies to my questions have been: "Our efforts in this direction have not been rewarded by any great degree of success." Replies of the same tenor have come from all directions; from Massachusetts, from Vermont, from Pennsylvania, from Missouri, from Indiana, from Kansas, Colorado, California, and intervening States, really from almost every State where the ground during any considerable length of time is covered with ice and snow, excepting a certain territory in the Genesee Valley, New York.

REARING NATIVE GAME BIRDS IN CAPTIVITY:

I have also given the proposition of raising our native game birds such as wild turkeys, ruffed grouse and quail in captivity considerable thought and attention. I have visited several game farms, some operated by public officials, some by private individuals. I have seen some few ruffed grouse that had been reared strictly in captivity. I saw some hundred or more quail reared in the same way, and have report of several hundreds of other birds of like character raised in the same way. I also know of very many instances where efforts in this direction have been rewarded by failure, and feel that at the best an undertaking of this kind is extremely precarious, the return very uncertain to say the least, and from the data I have collected I am led to believe that through the extermination of vermin, including house cats and crows, and the feeding of our wild and free grouse and turkeys and quail during severe winter weather a far greater return will be secured in every county of this State than can be secured to the entire State through or because of the establishment of a game farm where the rearing of these birds in captivity is undertaken, no difference how extensive that farm might be or how much money might be spent in that direction.

Each one of the six sanctuaries created in this Commonwealth and known as Game Preserves, the same being simply tracts of land surrounded by a single wire, a fire line and a line of notices, the notices calling the attention of the public to the purpose of the enclosure, whereon no hunting is permitted by any person at any time, and whereon no wild cat or domestic cat, or fox, or crow, or other ani-

imals classed as vermin are permitted to live, has produced more game of the kind peculiar to that section; turkeys where turkeys are found, grouse and quail where these birds thrive, than has been produced on any or all of the game farms in all the United States, where such game has been raised strictly in captivity; this too where the cost of maintenance and production upon the sanctuaries does not count in pennies as compared with dollars or tens of dollars expended by the game farm. The Resident Hunter's License will make possible one or more sanctuaries of the before described kind in every county of this Commonwealth wherein the State owns land and from which game birds may be trapped for distribution to sections where the State owns no land.

ELK:

Whether or not elk should be released and protected anywhere in this Commonwealth is quite problematical. It seems to be the disposition of these animals, no difference from whence they are received, to wander far and to make no special location their abiding place for any great length of time. The animals we have purchased and released came from two different directions, but seem possessed of the same spirit. Some of these animals were secured from Northern Wyoming, and within a week after their release in this State were seen fully forty (40) miles from the place where they were given their liberty. Some of the elk we secured in Monroe County, Pennsylvania, where their ancestors had been retained in captivity for a number of years. Some of these animals were seen within a few days fully twenty (20) miles from the point of their release. They are not only disposed to wander far but also to raid growing crops, and several claims for damages have already been filed in this office. We released seventy-two (72) of these animals during the last Spring, twenty-five (25) in Clearfield and twenty-five (25) in Clinton County, this bunch of fifty coming from Wyoming. Of these we lost seven (7) in Clearfield and seven (7) in Clinton County, apparently from trouble caused by the decided change in altitude, and not from Texas Fever Ticks, or anything of that character, as reported through the newspapers. While these animals did have upon their bodies certain ticks, we were careful to see that those ticks were not the Texas Fever Tick. We sent some of these ticks to Pathologists in Philadelphia and in Washington and are informed that they are what is known throughout the United States as the Moose Tick that from time immemorial have been found on deer and elk and creatures of like kind in every State of this Union. We released ten (10) elk in the new preserve in Center County and twelve (12) on State lands in Monroe County, these animals also having upon their bodies the same tick. The animals purchased in Monroe County were born and

reared in that section, so that they were fully climated and there were no losses from this bunch. The killing of two of our elk during the past fall has been reported to this office and we will pursue strenuously those accused of this offense. One of the elk killed was a bull elk, killed in Mifflin County, and the other was a cow elk, killed very close to the line between Center and Clinton County. It seems to me that it would be well to wait for a few years at least before releasing more of these animals in this Commonwealth.

GAME PRESERVES OR SANCTUARIES:

Our sanctuaries continue to do the work intended, that of giving absolute protection to animals and birds found thereon, and are indeed valuable cities of refuge to those creatures that choose to take advantage of the encircling wire. I have learned of many deer that start straight for the wire when pursued, and I am satisfied that the splendid increase of game of all kinds reported in the neighborhood of these preserves is largely due to the peace and safety secured therein, not only peace and safety from the attacks of men, but also from vermin and from forest fires. I believe that every sportsman in the State understands the value of these sanctuaries and respects the law controlling them. I take special pleasure in saying that I know of no one who has attempted to hunt within the limits of these preserves since their creation. Under the present law the Game Commission is limited in the land it may use for sanctuary purposes to land owned by the Commonwealth and under the control of the Department of Forestry. This is well as far as it goes, but there is no State land in many of the counties of the Commonwealth, and forest land is not adapted to the breeding of all kinds of game. Quail for instance, are partial to cultivated lands or the brush lot connected therewith. As the sportsman in each county is the man to-day who is contributing to the fund for game protection, the quail hunter has just as much right to a fair return for his money as has the deer hunter, or the turkey hunter, or the man who chooses to hunt for ruffed grouse exclusively, and these men feel that some special effort should be made to increase the quail in the sections in which they may reside. It has been suggested that some measure be adapted through which the Game Commission could secure the control of cultivated lands, through lease or otherwise, upon which quail might be given protection, might be fed and cared for in a wild state, and their increase trapped and removed to other sections of the Commonwealth to the advantage and benefit of the quail hunter. This proposition seems to me is reasonable, and should be given careful consideration.

BOUNTIES:

I am exceedingly sorry to make report to you that no appropriation for the payment of bounties to cover that period between June 1st, 1913, and June 1st, 1915, was passed by the last Legislature, notwithstanding the fact that there would undoubtedly be an ample fund in the hands of the State Treasurer for this purpose long before any claim was made upon it. As directed by you, I had drafted a bill placing a bounty on the wild cat, the fox, the mink and the weasel, the same bill making as declared by its title an appropriation of \$100,000.00 for this purpose, the same to be paid from one-half of the moneys arising through or because of the Resident Hunter's License bill. The member of the Legislature who presented this bill saw fit to have added, in the face of my strenuous protest, the names of certain birds for the killing of which a reward or bounty should be paid. He saw fit also, without our knowledge, to have the title of this bill so altered as to make necessary a special appropriation bill to meet the demands created by the bill. The special bill for appropriation was not presented so that there is at this time no authority directing the payment of one cent for this purpose, and those killing the animals or birds named in this new bounty law must hold their claims until an appropriation for this purpose can be passed by the next Legislature. This condition I deeply deplore, as I cannot help but feel that the harm done by the wild cat, the gray fox, and the weasel far exceeds any good that may come through the killing of mice or other noxious rodents by these same animals. I am satisfied that these animals, as do certain hawks and owls, catch and feed upon that line of food found the most plentiful in their neighborhood, and that therefore is the most easily secured, game birds or rabbits or other birds or mice, as that may be. As our work is to preserve game and birds I can see no reason why we should stand idly by and see any of these creatures destroying the things that we are trying to protect because we hope that after the rabbits and the birds have been destroyed these creatures may through necessity destroy some mice. We have a number of hawks and owls in this State that appear to live almost exclusively upon small rodents and insects. I believe in destroying the known destroyers of our beneficial wild life and know of nothing equal in incentive to that end than the hope of securing dollars and cents from the State through a bounty. I am satisfied that but few men will hunt especially the wild cats or foxes or weasels simply for the purpose of destroying them, even though they know these animals are destroying game. I am satisfied that but few farmers will hunt for these creatures although they know they are destroying their poultry. The offer of a reward in cash from the State seems to put an entirely different phase upon the proposition.

INCREASE OF OUR FORCE:

Under the provisions of an Act of 1911 the Game Commission was authorized to increase its force of paid officers from ten (10) to thirty (30), and your Board at a meeting held before the convening of the Legislature of 1913 by resolution added twenty (20) to the force of game protectors, increasing the pay of all of these officers from \$50.00, the amount paid prior to that time, to \$75.00, with traveling expenses equal in amount to the same figure, and directed that our budget as presented to the Legislature and made a part of the General Appropriation Bill should be drafted along these lines, and this was done. The Joint Appropriation Committee of the Senate and House for some reason saw fit to allow us an appropriation to pay but thirteen (13) new men instead of twenty (20), and to reduce our request for moneys for other purposes to a considerable extent. Why this was done in the face of the fact that through the provisions of the Resident Hunter's License Act a fund fully adequate for all purposes would be supplied, funds that in a single year exceed to a considerable extent the request we made for the two years, I fail to understand. Still this was done and we must make the best of it.

WORK DONE:

Even with this limited force I cannot but feel that good work has been accomplished along the lines of Game and Wild Bird Protection, helped as we have been in all directions and at all times by that splendid and efficient body of officers known as the State Police, not only in making arrests, but also in being present in places needed, in letting the people know that they were ready to enforce the law, and also educating the people regarding the value of the game laws to them, in this way preventing many violations of the law through a better understanding of the necessity of such law rather than in deterring violations through a fear of the law. A detail of State Police was given me this year, as heretofore, to help guard the several game sanctuaries under our control, and I only wish that this body of men was double or thribble its number in this Commonwealth. The appropriation given us by the last Legislature for game preserve purposes; this includes the purchase, distribution, and feeding of game as well as the care of our six sanctuaries, is limited to \$15,000.00 for two years. The greater part of this fund will be necessary to maintain the preserves and to feed the game that is found located thereon. From many directions reports are coming to me regarding the increase of wild turkeys and I am impressed with the necessity for feeding these turkeys during severe winter weather. It seems unfair to me to say that men shall not take these turkeys at any time, even though they may need them for food, and then to stand by to see the same birds die of starvation or be de-

stroyed by vermin. Many of these birds are found upon lands other than State lands. This same thing applies to quail, and I have issued a circular letter, a copy of which I herewith attach for your information, to the various sportmen's organizations throughout the Commonwealth, also to individuals, asking them to locate the turkeys and quail and ruffed grouse that may be found in their neighborhood, and to help us feed these birds during the coming winter, stating that the amount of money at our command was so limited that we would not be able to pay for services rendered, in cases of this character, but that we would do what we could to pay for food for the birds. I am getting many responses from many sources regarding this matter, and hope to see our birds of all kinds brought through in good shape.

I have also issued a circular to game dealers of the Commonwealth, trying to have them understand our State law and the National law regarding the receipt or sale of game in this State, and in this way to keep the dealer out of trouble.

NATIONAL LAW:

As you no doubt know, Congress at its last session saw fit to pass a law controlling the killing or taking of migratory birds and to secure that end gave the Agricultural Department at Washington the right to fix rules and regulations regarding this subject. I am in receipt of numerous letters regarding the feature of the National Regulation that classes the Bobolink in this State as a song or insectivorous bird, giving it perpetual protection in this Commonwealth, and that permits the killing of this same bird under the name of the Reed Bird immediately upon its passage from this State into Maryland or the District of Columbia, or Virginia, and I am calling this matter to your attention at this time so that you may understand conditions.

GAME KILLED:

DEER: It appears from reports received that sportsmen were fairly successful during the season just passed. We believe that more than 800 male deer were killed in this Commonwealth, and there appears to have been a considerable number of does killed, perhaps 60 in all, a peculiar feature in the killing of does being that such killing was not limited to any one section as was the fact last year, but instead they were killed here and there, all over the deer country, indicating that there was no plan or agreement followed this year as there seemed to be in past years, and that sportsmen were beginning to realize that through the killing of these breeders the wrong done was to deer hunters and no one else in the State, and I believe the majority of deer hunters are determined that those who

have been doing this thing must stop or pay the penalty. We are frequently in receipt of information regarding the killing of does that results in the conviction of the offender. Deer are reported to be increasing rapidly in the State.

BEAR: Reports coming to this office indicate that but few bear were killed this fall in Pennsylvania, attributable to the fact that the use of steel traps is forbidden, and that there was but little or no tracking snow this year. There must, therefore, be a most decided increase in these animals next year.

CLOSING OF COUNTIES:

As you know, four counties of the State have been declared closed under the provisions of the Act of April 29th, 1913, to the killing of deer for a period of three (3) years, beginning with December 1st, 1913, and it is expected by the residents of these counties, Fayette, Somerset, Westmoreland and Cambria, that the Game Commission shall stock these lands with deer in goodly numbers. While the fund arising from the Resident Hunter's License is accumulating in splendid shape, this fund is not available at this time for any purpose, and we must secure our deer from other sources. We must maintain our preserves already created, we must feed our game both on and off these preserves, and are therefore limited in the amount we can spare from the fund available at this time. I call this to your attention so that the matter may be considered immediately and the want supplied, if possible.

JOSEPH PAPSONE CASE:

I report to you that the case of the Commonwealth vs. Joseph Papsone, the alien who is testing the constitutionality of the Act of 1909, forbidding aliens to hunt in this State, has been recently argued in the Supreme Court of the United States. The Commonwealth's side of this question was looked after by the office of the Attorney General, and the case was most ably handled, both in the preparation of the paper book and the arguments, by Mr. Hargest, Deputy Attorney General. We sincerely hope our contentions regarding this matter may be sustained by the Supreme Court of the Nation as it has been sustained by the Superior and Supreme Courts of this Commonwealth.*

MEN KILLED AND WOUNDED:

One of the strong arguments advanced in favor of the Resident Hunter's License bill was that because of its provisions the danger of sudden death or injury through the agency of the irresponsible boy with a gun would be reduced to the minimum, and would greatly reduce the number of accidents caused by the use of guns in this

*This Act was sustained by the United States Supreme Court in an opinion handed down January 19th, 1914, and is therefore the law.

Commonwealth. This contention appears to have been realized. Last year we had 49 human beings killed in this State and 149 wounded. The reports received this year show that but few men have been killed or wounded, as compared with last year. Three of those killed in this State this year were killed not through accident, but in direct violation of law, by men who did not look before shooting to see that they were aiming at game, and it seems to me that such killings should by Act of Assembly be declared manslaughter, and severe punishment of not less than two years in prison should follow. Investigations regarding these so-called accidents made last year clearly showed that the great majority of real accidents, through the use of fire arms, was because of the careless and reckless handling of guns by boys of irresponsible ages. The same condition exists this year. The final number of men killed or wounded this year will not equal half the number shot last year, and I am confident that many of the accidents of this year would have been avoided had the Resident Hunter's License Act provided that boys under 16 years of age should not be permitted to use firearms of any description in this State, except in defense of person or property. The provision requiring hunters to secure a license only when hunting for "animals or birds protected by the Game Laws of this State" left open a way through which many boys under 16 years of age persisted in using firearms to the great injury of their fellows, and to themselves. Under the present condition it is impossible for us to convict a boy under 16 years who may be hunting either with or without a license, if such boy swears he was not hunting for birds or animals protected by our game laws. While the figures here given are somewhat startling, they are nothing as compared with the injuries or deaths caused by automobiles during the year in any one of our large cities. There is a way through which these conditions can and should be corrected, and I believe the good people of the State are equal to the emergency.

COST OF HUNTING AND ITS VALUE:

I presume but few people in this State have ever considered the value of hunting and therefore not only disposed to expect impossible things, but also to underestimate what hunting really means. For instance, let us say there were 400,000 hunters in the field in Pennsylvania during the season just passed, say that the average expenditure of each was \$10.00, and when you consider the cost of gun and ammunition and clothing and food, and loss of time, etc., this seems to me a low estimate, yet it means the expenditure of \$4,000,000.00 in an effort to destroy, what the State is expected to return through the expenditure of \$27,600.00, which was the amount appropriated to our use, last year. We returned to the Commonwealth through fines and penalties \$8,539.47, so that the actual outlay by the State for all purposes in this work was but \$19,060.53, and what is the return?

Say the average number of rabbits killed by each man was five, which number I believe to be below the number actually taken, for while some hunters killed no rabbits at all, some killing only two or three, the great majority of hunters killed several times five, and at this rate 2,000,000 rabbits were taken. Say they average $2\frac{1}{2}$ pounds each, and we have 5,000,000 pounds of good wholesome meat.

Say the average of grouse killed was but one to the man, and there were taken 400,000 grouse, averaging $1\frac{1}{2}$ pounds each, or half a million pounds of the most palatable wild flesh that can be secured.

Consider that 800 deer were killed, averaging 125 pounds each, together with 100 bear, take the number of wild water fowl and squirrels and other small game killed, and the return of food acquired is no small item, and all of this entirely outside of the benefit of recreation secured through hunting, the value of the life work of birds absolutely protected by our game laws, and the training of our young men in the manipulation and use of firearms. The efficient volunteer is our National defense.

CLAIMS AGAINST THE STATE:

I take occasion at this time to call to your notice certain claims made by citizens of this State that should receive your attention.

First, the claims that have been, and may be, presented for the payment of damages incurred through the raids of elk or deer, on growing trees or crops.

Second, the expenditure made for printing by certain County Treasurers in their efforts to supply hunters with printed forms to facilitate the taking of the Resident Hunter's License, and the receipts given where the dollar was paid and the delivery of the license and tag was not possible because the State had not supplied these things to the several County Treasurers. None of these claims will amount to much, and I believe each, when reasonable, should be paid as soon as possible after a contingent fund is appropriated to our use. I am receiving claims of this kind, and after investigation filing same for future action.

GENERAL FUND.

Third Quarter, Second Year.

December 1st, 1912, to February 28th, 1913.

Dr.

To balance from last quarter,	\$129 82	
To penalties and costs collected,	2,394 66	
To warrant on appropriation,	2,550 00	
To proceeds of guns sold,	42 00	
To proceeds of taxidermist licenses,	24 00	
To proceeds of non-resident licenses,	9 75	
To proceeds of propagating licenses,	5 00	
To proceeds of special licenses,	2 00	
To expenses advanced and returned,	10 91	
		<u>\$5,168 14</u>

Cr.

By expenses for quarter,	\$3,259 78	
By deposits in State Treasury,	2,422 31	
By half-penalties returned to prosecutors,	25 00	
		<u>\$5,707 09</u>
Balance (overdrawn),		\$539 05

Fourth Quarter, Second Year.

March 1st, 1913, to May 31st, 1913.

Dr.

To warrant on appropriation,	\$2,550 00	
To penalties and costs collected,	1,576 51	
To proceeds of guns sold,	37 50	
To proceeds of taxidermist licenses,	33 00	
To proceeds of special licenses,	3 00	
To proceeds of ordinary licenses,	2 00	
To proceeds of propagating licenses,	1 00	
		<u>\$4,203 01</u>

Cr.

By expenses for quarter,	\$1,966 00	
By deposits in State Treasury,	1,708 01	
By overdrawn balance,	539 05	
By half-penalties returned to prosecutors,	30 00	
		<u>\$4,243 06</u>
Balance (overdrawn),		\$40 05

First Quarter, First Year.

June 1st, 1913, to August 31st, 1913.

Dr.

To warrant on appropriation,	\$4,375 00	
To returned expenses,	48 00	
To penalties and costs collected,	1,641 87	
To proceeds of guns sold,	48 00	
To proceeds of taxidermist licenses,	14 00	
To proceeds of non-resident licenses,	10 00	
To proceeds of propagating licenses,	1 00	
To proceeds of special licenses,	1 00	
		<hr/>
		\$6,138 87

Cr

By deposits in State Treasury,	\$1,715 87	
By expenses for quarter,	1,468 19	
By overdrawn balance,	40 05	
By half-penalties returned to prosecutors,	12 50	
		<hr/>
		\$3,236 61
Balance,		<hr/>
		\$2,902 26

Second Quarter, First Year.

September 1st, 1913, to November 30th, 1913.

Dr.

To warrant on appropriation,	\$4,375 00	
To balance from last quarter,	2,902 26	
To penalties and costs collected,	2,537 53	
To costs returned by W. H. Lemon,	13 75	
To proceeds of guns sold,	78 75	
To proceeds of taxidermist licenses,	48 00	
To proceeds propagating licenses,	9 00	
To proceeds of non-resident licenses,	20 00	
		<hr/>
		\$9,984 29

Cr

By expenses for quarter,	\$3,625 12	
By deposits in State Treasury,	2,693 28	
		<hr/>
		\$6,318 40
Balance,		<hr/>
		\$3,665 89

PRESERVE FUND.

Third Quarter, Second Year.

December 1st, 1912, to February 28th, 1913.

Dr.

To balance from last quarter,	\$1,074 27
To warrant on appropriation,	1,875 00

\$2,949 27

Cr

By expenses for quarter,	\$3,107 99
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\$3,107 99

Overdrawn balance,	\$158 72
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Fourth Quarter, Second Year.

March 1st, 1913, to May 31st, 1913.

Dr.

To warrants on appropriation,	\$3,750 00
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\$3,750 00

Cr

By expenses during quarter,	\$3,637 68
By overdrawn balance,	158 72

\$3,796 40

Overdrawn balance,	\$46 40
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First Quarter, First Year.

June 1st, 1913, to August 31st, 1913.

Dr.

To warrant on appropriation,	\$1,875 00
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\$1,875 00

Cr

By expenses for quarter,	\$1,482 69
By overdrawn balance,	46 40

\$1,529 09

Balance,	\$345 91
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Second Quarter, First Year.

September 1st, 1913, to November 30th, 1913.

Dr.

To balance from last quarter,	\$345 91	
To warrant on appropriation,	1,875 00	
To refund by Central Penna. Lumber Co.,	35 00	
	<hr/>	\$2,255 91

Cr.

By expenses for quarter,	\$1,577 85	
	<hr/>	\$1,577 85
Balance,		\$678 06

Respectfully submitted,

JOSEPH KALBFUS,
Secretary.

Office of the Board of Game Commissioners,

Harrisburg, Pa., November 1st, 1913.

Dear Sir:—I am writing you to-day, as Secretary of your Sportsmen's Organization, and desire to call your attention to a matter that seems to us to be of vital importance to the welfare of game, and, therefore, to all Sportsmen. I refer to the feeding of our wild game, especially birds, during the winter time. During the past several years I have been collecting data relative to the possibilities of artificial game production and propagation; I have written to those in authority in almost every State in this Union; I have written to many individuals; I have visited various game farms, both public and private, and while I am compelled to recognize the fact that game of various kinds can be produced upon the game farms, I am satisfied the cost of production in this way far exceeds any hope of return. I have collected data that beyond question satisfies me that neither the Ringneck pheasant nor the Hungarian quail is a "budder"; that is, can secure their food from the tree tops as do our native grouse, when the ground is covered with ice and snow. I am convinced that these birds must be cared for artificially during the winter time if we hope to preserve them; I am satisfied that in many ways they are not to be compared with our native birds—with our grouse or our wild turkeys, or with our quail.

The Game Commission is satisfied that far more good will come to the State and to the Sportsmen through the maintenance and care of our native birds than can be secured in any other way, and with that end in view, I ask your organization to help the officer in your district to locate coveys of quail after the close of the season, bunches of wild turkeys or of grouse, so that they may be fed during the coming storms of winter. Our officer is instructed to get in touch with your organization regarding this matter and I hope you will understand that we are trying to help you and that in turn you will do what you can to help us help you. We will pay for feed, but the limited funds at our command will not justify the employment of agents to feed the birds. This feeding, if possible, must be done through organizations. Kindly let this office hear from you regarding this matter.

Respectfully yours,

JOSEPH KALBFUS,

Secretary, Game Commission.

Office of the Board of Game Commissioners,
Harrisburg, Pa., December 1st, 1913.

Dear Sir:—I write this circular letter to-day relative to the rights and privileges of those who may be disposed to deal in game in Pennsylvania, in the hope that every one may know the law and through its observance avoid trouble that is almost sure to follow its violation.

We have two distinct laws at this time affecting the sale of game in Pennsylvania. One is the National Law and the other is the State Law, each for itself tending to game protection and increase, and the two together making a barrier that it is hard to surmount.

The purpose of these two laws is to increase game in this and other States by cutting out the market hunter, the one who kills game for profit to himself, now, and entirely without regard to consequences sure to result from such acts.

Our Pennsylvania Law provides that no deer killed in this Commonwealth, or any ruffed grouse, commonly called pheasant, or any quail, commonly known as "bob-white," or any wild turkey or any woodcock, killed *either within or outside of this Commonwealth, or any part thereof*, can be bought or sold at any time within the Commonwealth. All other game, including rabbits, squirrels, bear, raccoons, plover, etc., killed within this State, may be bought and sold during the open season for such game in this Commonwealth and for 30 days thereafter, except, that birds known as wild water fowl, including wild geese, wild ducks and swans, *killed within this Commonwealth, can be sold only between the first day of September and the first day of January next following.*

Game of all kinds *killed outside of this Commonwealth, excepting wild turkey, woodcock, ruffed grouse and quail*, may be bought and sold at any time, excepting, that wild water fowl killed outside of the Commonwealth and *brought into the Commonwealth between the first day of September and the first day of January next following may be sold at any time.* Wild water fowl brought into this Commonwealth between the first of January and the first of September may not be sold at any time.

Our State Law provides that the attempt in any way to sell game of any kind, or to have game of any kind, in possession after the end of 30 days, after the close of the open season, shall be prima facie evidence that such game was killed illegally and shall render the person thus in possession of such game, liable to the penalty imposed by law, for killing such game, out of season. This means that the attempt to sell game, or the possession of game, contrary to our

State Law, would convict you of violating the law, without additional evidence upon the part of the Commonwealth. You, of course, would have the right to prove that the game in question was killed in another State, which would exonerate you, in so far as the laws of this State are concerned, *if the game under consideration was of a kind other than wild turkey, woodcock, ruffed grouse or quail*, the sale of these birds being prohibited in Pennsylvania no matter where they were killed, and *right here lies the danger in the National Law to you.*

This National Law provides that both the one who ships and the one who receives game, shipped from a State forbidding such shipment shall be liable to a penalty of \$200.00 for each offense, and when you prove that the game in question was not killed in Pennsylvania you are very likely to prove that it was killed, in a State forbidding its shipment, and it has been contended in Washington, that the shipment or the receipt of each bird in a package, would constitute a separate offense.

This same National Law provides that each package containing game when shipped from one State to another State shall be so marked as to enable the contents of the package to be readily determined from an outside inspection of such package. The same penalty of \$200.00 is imposed for violating this provision so that while you may be within the provisions of the Game Laws of Pennsylvania, you might be placed in a position where you would suffer severe penalty, first, for receiving game from a State forbidding the shipment of game out of that State, or, for receiving such game, in packages improperly marked. If you were to be prosecuted for a violation of either of these National provisions, you would be arrested by an officer of the United States Government, and be tried in the United States Courts; not in your county courts among your neighbors where perhaps friendship might have its influence or extenuating circumstances be given consideration, but instead, you would be tried far from home, among entire strangers, where nothing but naked facts would be given consideration.

Every State in this Union gives a certain protection to its game, and almost every State forbids the shipment of certain kinds of game out of their boundaries, and the National law imposes a penalty for the transportation of game either *killed or shipped* contrary to the laws of any State.

The arrest of a man in Kentucky, or any other State of this Union, for a violation of either State or National Laws regarding this subject might very easily, if such were the case, develop the fact that you had been receiving game, either illegally shipped, or improperly marked, and this would make you liable to a penalty of \$200.00 for each offense, with costs of prosecutions, which would

be heavy because of the distance you and the witnesses would be compelled to travel. It might be that some dealer in poultry in another State would ship you a barrel, or box, of dressed chickens, or any other thing, and put inside of that barrel, or box, a number of quail, or other game, the shipment of which was forbidden, directing the same to you as "Poultry," or without any special designation. You might not know what the barrel or box contained until you opened it, yet if you received and disposed of such box, or barrel, you would be liable to the full penalty imposed by law. If you return such game without notice to this office, you might be called upon to prove such facts, and be put to no little inconvenience. I, therefore, suggest, that to be safe in this matter, first, you refrain from ordering game of any kind from States that forbid the shipment of such game, *remembering that no wild turkey, or woodcock, or quail, or ruffed grouse, can be sold in this Commonwealth no difference where it may have been killed.* If game of any kind comes to you shipped from States contrary to the laws of that State, or comes without being properly marked, I would suggest that you notify this office at Harrisburg, by wire or phone, immediately upon receipt of such package, following such telegram or phone message with a letter giving the name of the shipper, the place from which the package was shipped, with the number and character of game shipped, and the markings upon said package.

Through an arrangement with the office of the Biological Survey, Washington, D. C., which Department has charge of the enforcement of the National Law relative to this subject, this notification will relieve you of the responsibility that might fall upon you because of the violation of the National Law, and we will at once wire you to sell the game in question if such game can be legally sold in this Commonwealth. If you do not so notify this office and it develops through evidence secured, either within, or outside of this Commonwealth, that you have received game contrary to the laws of any State, or game improperly marked, you alone will be responsible.

If I have not made myself perfectly clear in this circular I would be glad to answer any questions that might suggest themselves to you regarding this matter.

Respectfully yours,

JOSEPH KALBFUS,

Secretary, Game Commission.



ANNUAL REPORT
OF THE
GAME COMMISSIONERS
OF THE
STATE OF PENNSYLVANIA
INCLUDING A
Report of the Chief Game Protector
to the Commission
FOR
THE YEAR 1914

HARRISBURG, PA.:
WM. STANLEY RAY, STATE PRINTER
1915

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REPORT OF THE BOARD OF GAME COMMISSIONERS.

Harrisburg, Pa., Jan. 7th, 1915.

To His Excellency, John K. Tener, Governor of Pennsylvania.

Sir: We herewith respectfully submit to you our report of work done through and under our direction during the year intervening between December 1st, 1913, and December 1st, 1914, with recommendations, and that you may the more thoroughly understand the situation, we report in detail as follows:

From what we have been able to gather through the various reports made to us during the past year by our Secretary, together with reports that have come to us from private sources, and from what we have learned by our own personal observation, we believe game and beneficial wild birds have been as well protected in Pennsylvania as in any State in this Union. This in the face of the fact that our force of game protectors is not in numbers sufficient to do the work expected of us, and the further fact that the money at our command is far short of being sufficient to meet the demands we are required to meet, considering the improved firearms in use to-day, expert marksmanship, advanced methods of travel through the use of automobiles, etc., destruction to wild life wrought by the elements, disease, starvation, vermin, and forest fires, the only wonder is that we have game or wild birds at all.

We believe that the quantity of game taken by sportsmen is small indeed as compared with that destroyed by other causes, and feel that it is imperative that our laws should be altered in several particulars if various species of our game birds and animals are to be preserved from extinction, the changes in the Game Laws being preliminary and incidental to other work necessary in this direction.

NUMBER OF SPORTSMEN IN PENNSYLVANIA.

During the season of 1913 there were 305,028 Resident Hunters' Licenses issued in this State; during the season of 1914 from reports at hand there were fully as many licenses issued. When we consider that the land owner, with his tenants and their families, may hunt under the provisions of law without paying this license, and add

to this those who hunt in violation of law, we are led to believe that fully 100,000 more men hunted in this State during each of these seasons than were licensed, making altogether an army of more than 400,000 men, who for a certain period and for good reason are permitted to destroy game that in the aggregate amounts to millions of pieces and thousands of tons in weight; when we consider that the taking of all this life by sportsmen is but a limited amount as compared with the total each year, the necessity for drastic reforms can be readily understood.

SHORTENING OF OPEN SEASONS.

We are impressed with the necessity for shortening of our game season, and a reduction of the number of each species that may be taken each season by the individual hunter in this State. We believe our seasons for small game should be made as uniform as possible.

LARGE AND SMALL GAME SEASONS.

We believe our seasons for large and small game should, as far as possible, be separated, considering as paramount the danger to human life through the use of high power rifles in territory occupied by many hunters.

BOUNTIES.

We believe that each of our predatory wild creatures usually classed as vermin destroys more game of various descriptions than is destroyed by any one man, and hold that if our wild life is to be preserved, it is necessary to curb absolutely the depredations of predatory creatures as well as men and to that end heartily endorse the expenditure of moneys in the shape of bounties or rewards in amount sufficient to induce men to hunt for and destroy such vermin as may be found in their neighborhood. We believe the fund created through the Resident Hunters' License Act for the purpose of paying bounties should be carefully guarded so that it may be made to do the greatest possible good, and endorse the idea suggested by our Secretary through which paid Game Protectors shall be authorized to issue all certificates for bounties, as the most feasible and inexpensive, presented for our consideration. Through this method fraud and deception will be practically eliminated, and every dollar of this fund will go to the encouragement of those destroying vermin. Give us the force needed and we will surely show results.

FEEDING OF WILD CREATURES.

We call especial attention to the fact that a great part of this State is now covered with ice and snow and our wild life is already facing a condition from a lack of food supply that must increase as the winter progresses, and we earnestly recommend that an appropriation bill be immediately passed placing at least \$25,000.00 in our hands through which our birds and other game can be fed, and through which additional game can be secured. The first and most vital question to our minds is to care for the game we now possess, and after this restock covers from which game has been exterminated, in this way bringing game as near to the home of the one who pays the bills as possible.

We believe that public opinion is surely drifting toward additional protection to our wild life and the conservation of our natural resources in general, and feel that this idea should be encouraged in every way consistent with the thought; that for various reasons hunting is a national necessity; that sportsmen are the true and almost exclusive protectors of our game and wild birds, and that therefore game should be protected that it may increase to be taken by sportsmen rather than to be looked at or photographed, or preserved for any sentimental reason.

GAME SANCTUARIES.

We feel that the method of increasing our wild life through the creation of preserves or sanctuaries is the most economical and best manner through which this can be accomplished, and earnestly recommend an increased appropriation for the purpose of creating additional sanctuaries of this character.

We also endorse the idea of permitting the Game Commission also to locate these sanctuaries upon leased lands in sections of the State where the Forestry Commission is not at this time and can never be possessed of lands. Data at our command indicate that what are known as game farms are not making the return hoped for or expected and that the cost of their creation and maintenance exceeds many times the cost of our sanctuaries, each one of which is making a satisfactory return in increasing the numbers of native birds and mammals.

We feel that the Act passed by the last Legislature extending to citizens of counties the right under certain restrictions to have their

territory closed to the hunting of deer and elk for a term of years is a step in the right direction. Some nine counties of the State, Cambria, Somerset, Fayette, Westmoreland, Warren, Forest, Clarion, Jefferson, and Chester have already taken advantage of the provisions of this Act, and have been, to a limited extent, stocked with deer. Other counties are anxious to take advantage of this law, but are prevented from so doing because the law as it now stands limits the territory that may be closed to four counties in one contiguous block. We can see no good reason for this restriction and feel that this Act should be amended so as to permit any county in the Commonwealth, no difference where located, to be closed to not only the killing of deer and elk, but also to wild turkeys, and grouse, and any other game that the people may see fit to have protected. If this is done, many counties wherein game of these several kinds have been exterminated will be returned to former conditions. The residents of these localities will find game near at home and will not be compelled to travel long distances in search of game or to go into territory that is already seriously over-crowded by hunters.

There is no good reason why the State or individuals should be expected to buy game of any kind, at excessive prices, to place in any county, and have the same killed the first year of its introduction.

SPORTSMEN PAYING THE COST OF GAME AND WILD BIRD PROTECTION.

We call your attention to the fact that through or because of the Resident Hunters' License Act a fund has been created through which not only our game birds and animals may be given adequate protection, but that will also give the same protection to our wild birds other than game birds, whose lifework makes possible a return for labor to the farmer; that provides a fund from which bounties for the killing of predatory creatures may be paid, without the expenditure of one cent by the State, or the payment of a farthing by the farmers of this State, the very ones who derive the most return from the lifework of birds, and we heartily endorse the thought of sportsmen, with whom the idea of this Resident Hunters' License Bill originated, that not one cent of this money should be applied to any purpose other than the purposes named in the Resident Hunters' License Act.

We extend to your Excellency our sincere thanks for the kindly and generous treatment given to us in our work during the Adminis-

tration just about to end, and hope our pleasant associations may continue through coming years.

Respectfully yours,

CHARLES B. PENROSE,
President.

LANNING HARVEY,
WILLIAM B. McCaleb,
JNO. M. PHILLIPS,
JOHN S. SPEER,
ARTHUR CHAPMAN.

Harrisburg, Pa., December 1st, 1914.

To the Members of the Board of Game Commissioners of Pennsylvania.

Gentlemen: In making this my Annual Report to you for 1914, I desire to give you an understanding of game conditions as they have been reported to me, also to place before you for consideration data that I have collected relating to the thought of those interested in game increase in this State, considering the best methods through which the fund collected through the Resident Hunters' Licenses may be applied to the benefit of sportsmen, and the necessity for altering some of our laws.

We are in receipt of communications written and otherwise concerning the best methods through which game can be increased, the feasibility of game farms and the advisability of establishing such a farm in this Commonwealth. Because of State Laws forbidding the shipment of game, either living or dead, out of almost every State in this Union, it is almost impossible to secure game birds such as quail and wild turkeys by purchase in even limited numbers for propagating purposes, and it is absolutely impossible to secure such game birds in the numbers necessary to restock the depleted covers of the Commonwealth in a manner asked for by sportsmen, who contribute their dollar to the use of the Game Commission through the Resident Hunters' License Act.

From data collected personally and otherwise, I am convinced that the great majority of those securing a Resident Hunters' License in Pennsylvania will be perfectly satisfied to lend their further support to this measure when they are shown that this Act is really intended to benefit sportsmen, and that those entrusted with the distribution of the moneys so collected are at least trying to use this fund to that end, and a still greater number of these men will be more than satisfied when they see that the quantity of game in this Commonwealth has actually increased and that hunting conditions have been improved in the State. I have, therefore, devoted considerable time to the gathering of statistics that may be of help to you in this work.

Starting with the undisputed fact that quail, for instance, were quite plentiful last fall in various sections of this Commonwealth and that we have passed through a most severe winter, accompanied by deep snows, which resulted in the death of many of these birds through starvation, smothering, etc., it is evident that birds of this character, strictly ground feeders, may be annually called upon to meet just such conditions as they met last year, and that without the

help of men through hard winters by artificial care and feeding, two or three such winters in succession will surely exterminate birds of this disposition. Turkeys, much stronger birds than quail, and able because of that superior strength, to scratch through ordinary snows to the ground, upon which they find a partial food supply in the shape of chestnuts, acorns, dried berries, wintergreen berries, and wintergreen leaves, etc., have through a limited amount of help, such as corn and other grains placed by sportsmen, succeeded in wintering fairly well; while the ruffed grouse, possessing the ability to feed upon buds found in the tree tops when the food supply on the ground is covered with ice and snow, have come through the past winter in splendid form, being reported plentiful in those sections of the State where suitable cover and food can be found, thus demonstrating again that because of these traits the ruffed grouse is the most hardy of our native game birds, that the wild turkey is next, and that the survival of quail because of their disposition to feed strictly upon the ground is, to say the least, quite problematical, and as it is with quail, so it is with all ground feeding birds, including English and Chinese Ring-Neck Pheasants and Hungarian Quail. We all understand that wild turkeys and grouse are birds of the woods, while quail are found mostly in the open, and thrive better upon cultivated lands than elsewhere. We understand that because of these traits, conditions suitable to raising grouse or wild turkeys are not adapted to the raising of quail, and vice versa. We all understand that it is perfectly natural for the one who delights in quail hunting to feel that the dollar he paid for the Resident Hunters' License shall be, as far as possible, applied to the production of quail. He does not care to hunt for grouse, or turkeys, or deer, and will secure no more pleasure or benefit through the increase of either or all of these creatures than he would secure through the expenditure of his money for good roads or fish or for any other purpose outside of quail increase. He demands quail, and the rabbit hunter asks for rabbits. You, therefore, have for your consideration the proposition of providing game, first to supply as far as possible a variety of game suitable to the various sections of the State, and second, to supply as far as possible a variety of game demanded by sportsmen. To aid you in this work I have collected data.

WILD TURKEYS.

I find that wild turkeys, because of help given them through the distribution of food by this office and by sportsmen, have wintered fairly well, and I believe that notwithstanding the losses from starvation, cold and vermin, we have a greater supply of wild turkeys at

this time by far than there would have been had there been an open season for these birds. During the past winter we frequently received letters complaining of the closed season for turkeys and stating that as there was no open season for turkeys at this time that the writers of the letters had lost interest in caring for and feeding turkeys, which they felt sure must suffer because of this lost friendship, these men overlooking the fact that had there been an open season there would have been less turkeys to winter over, and the fact that starvation and cold would have taken and did take their proportionate percentage of the few birds remaining. They apparently overlooked the fact that because of this closed season many men fed birds during the past winter that they would not have fed under former conditions when they felt that they were simply feeding birds for some other hunter to kill.

Turkeys can be raised in semi-captivity upon the Game Preserves now under control, and may be trapped in the winter for distribution to various sections of the State. We raised about sixty (60) turkeys on the Perry County Preserve last year and a number of these birds retreated into the woods where they could not be captured. Of the remainder we sent some to Franklin County, some to Northampton County, some to Lehigh County and some were taken to Clinton County where we released same in sections that we thought adapted to these birds. We retained a fair number of these turkeys. 10 or more, on the Perry County Preserve, where every hen thus retained laid her quota of eggs and hatched a nice brood. In Clinton County wild cats killed two of the hens and destroyed their nests. Quite a number of wild turkeys were raised on the Ligonier Preserve. None were distributed from that point.

QUAIL.

I find that quail have almost entirely disappeared from certain sections of the State. In other sections of the State, through the care given them by this office and sportsmen many birds were saved, but not enough to supply good shooting during the season just past. This fact, together with the before-mentioned condition that neither quail nor turkeys can be secured from other States as in former years, brings the question fairly to us as to what methods we may adopt within this State to preserve and increase our quail and wild turkeys.

Regarding the possibility of raising quail in captivity I would say, I have my very serious doubts. Regarding their production in semi-captivity, I would say, during the fall of 1913 I visited the Game Preserve of the American Game Protective and Propagation

Association, located on Cape Cod, Massachusetts, and there saw about one hundred (100) quail that had undoubtedly been raised in semi-captivity. These birds had been hatched under bantam hens; they had been reared by these hens and the keeper. The eggs used were produced by quail held in captivity in which state these birds appeared to be capable of producing three or more times the number of eggs that would be laid by the same birds in a wild state.

During the last week of May, 1914, I visited the Game Farm of the New Jersey Game Commission, whose lands border on Barnegat Bay, near Forked River, and saw fully four hundred (400) quail that had been raised last year in semi-captivity in the same manner as had those I saw in Massachusetts been raised. On the New Jersey Game Farm I saw several thousand Ring-Neck Pheasants in their pens. In both of these places I asked the keeper in charge certain questions regarding the trouble incurred in rearing these birds and what they expected to do during the coming year, etc. In the matter of expense my answers were direct and to the point. In the matter of expectations the answers were so evasive as to satisfy me that even those who had been successful last year were doubtful regarding the outcome of their efforts this year, also satisfying me that this effort to raise quail in semi-captivity is most uncertain, while the expense connected with that effort is extreme. During the month of July last I again visited the New Jersey Game Farm and learned that several thousand of their young Ring-Neck Pheasants had died, the result, as the keeper said, of eating "rose bugs". I found the supply of young quail limited. The keeper also told me he had just returned from a visit to the Game Farm of the State of Delaware, where almost the entire lot of young birds produced, either quail or ring-neck pheasants, had died, apparently from the same trouble that had caused the loss on the New Jersey Farm. He said, "We are losing many birds every day and if I had my way I would at once release the whole bunch. I believe they would do better if allowed to roam at will and know we would not be able to count the dead as we do now."

Taking everything into consideration, I believe that through the method recommended in my last report to you, the passage of an Act of the Legislature authorizing the Game Commission to lease hunting privileges on certain farm lands in Pennsylvania whereon quail shall be given increased protection through the killing of vermin of various kinds, the feeding the birds when necessity requires, and help in other ways, a far greater number of these birds can be produced for the same outlay of cash than can be produced on a game farm. I understand this idea is advocated by many sportsmen of the State and believe it is well worthy of consideration.

In the matter of procuring mature game birds, such as Hungarian Quail and Ring-Necked Pheasants either through purchase or rearing to fill in places where our native birds have been exterminated I would say, I have many letters from various Game Commissioners of States wherein the rearing of these birds has been attempted upon game farms; I also have letters from many individuals both in and out of this State to whom I wrote for information regarding this matter, the replies received so differing in their tenor as to leave me about as much in the dark regarding the possibility of these birds, especially the Ring-Necked Pheasant, as I was at the beginning. From the Biological Survey at Washington I received word that in but a few limited locations have the Ring-Necked Pheasants increased in a wild state in anything like a satisfactory way. In Oregon alone these birds appear to have increased to a wonderful degree, in that part of the State where because of the warmth generated by the waters of the Pacific Ocean, snows do not remain upon the ground for any extended period. Outside of that influence, where snows prevail, these birds have done no better than they have done under the same conditions in other States. In California and in the Genesee Valley of New York these birds appear to have increased to a considerable extent. Both of these States are continually releasing mature birds, and the birds during the winter months feed with the chickens around the farm buildings. In New Jersey and a few other States they have increased to a limited extent, feeding in the same way, but I have heard of no place in Pennsylvania where they have increased in a wild state, even though given special care during the winter months. Nowhere in the United States do the Hungarian Quail appear to have increased to any degree. In many sections where they were released they have entirely disappeared, no reason being given for such disappearance. Reports received regarding the possibility of raising the Ring-Necked Pheasant in captivity and the cost of such effort vary greatly, the expense being estimated from \$2.00 per pair to five or more dollars per pair. Some reports declare these birds are hard to rear; some say they are reared easily; some say they are "budders", the majority say they are strictly ground feeders, and not "budders". Some say these birds roost in trees, the greater majority assert that they roost strictly upon the ground, and I have noticed that in the various enclosures I have visited where Ring-Necked Pheasants were held in captivity that nothing had been done toward erecting roosts for these birds. There were no trees or other high places upon which they could rest safely from night prowlers.

I recently saw a letter written by one of the greatest producers of Ring-Necked Pheasants in America, who writing to a friend of mine regarding this matter said:

"First year: Bright prospects.

Second year: Not so good.

Third year: Down and out."

I am informed that the Game Commission of the State of Illinois has spent fully a million dollars (\$1,000,000.00) in attempting to stock that State with Ring-Necked Pheasants, that they have failed utterly in this effort, and that the Game Farm of Illinois can be purchased to-day for less than 10% of its cost.

I present the letters received touching upon these various subjects to you for consideration.

I have visited rabbit warrens and duck farms, both of which places I learned are liable to disease, and I am satisfied that if for any reason you decide that our game supply of either birds or animals shall be increased through the introduction of foreign species that it will be cheaper to purchase mature game, either birds or animals, than to attempt to raise the same on a farm in this State. I believe that the method already adopted by the Game Commission of Pennsylvania through which additional protection is accorded to game of all kinds upon lands owned by the Forestry Department of this Commonwealth under the control of the Game Commission is the direct solution of this problem, in so far as game is concerned that can be raised in the wild woods. In the matter of quail, we must resort to some other method. I believe that a Game Preserve or sanctuary such as we now have created in six counties of the State should be established in every county wherein the State owns sufficient land that could be adapted to this purpose. Game of all kinds found naturally in the wild woods has increased to a marked degree within the limits of these sanctuaries, and it seems to me that not only should these preserves already established be maintained, but that new preserves should be located wherever that is possible. I believe the sportsmen of the State should help the Department of Forestry in every possible way to secure additional lands that might be used for this purpose.

ELK.

For your information I desire to say, our experiment regarding the re-establishment of elk in a wild state in this State is, to my mind, proving successful. Elk, as you know, are inclined to feed upon grass or soft fodder such as growing grain or corn rather than to browse

upon twigs or hard growth such as deer prefer. This disposition has brought some complaints regarding injury to growing crops to our attention. The elk introduced appear to be increasing, some four or more calves were reported as born last year, and fully twice that number have been reported as seen this year. A cow elk shot and killed by a farmer in his grain field in Centre County during the spring just passed was found to be with calf. I have heard of a number of small elk this year. Up to this time we have had reported the killing of seven elk in violation of law. Reports of injury done by these animals were so earnestly made during last spring that I was compelled to take the position that while the law said elk should not be killed in Pennsylvania for a series of years and that they were under the exact line of protection accorded to deer in this State, which forbade the running of these animals by dogs or the shooting of these animals except a gun propelling one bullet or ball at a single discharge, I considered that this law was intended only to protect elk and deer when they were in their proper place, and that I thought any man, farmer or otherwise, had a right to protect his property and would be justified in using such methods as were necessary to drive elk from his fields and keep them out, even to the use of a dog or shotgun, so long as no permanent injury was inflicted upon the animals.

I have caused the investigation of conditions of this character as reported, in several sections of the State regarding deer, and in many instances found said reports to be well founded. Near Alexandria, Huntingdon County, Pa., we found that a herd of ten or more deer had been in the habit of feeding night after night in an orchard, to the very serious injury of the trees therein. Hundreds of these trees had been torn and mutilated by the deer, almost the entire new growth of this year had been eaten off down to the growth of last year. Many of the trees were killed; fully a thousand trees in this orchard were injured.

We have found several fields of buckwheat and oats seriously injured by deer and wild turkeys and I think it absolutely necessary for the Game Commission to be placed in possession of a contingent fund from which the several claims for damages of this kind can be adjusted. In Vermont and other States it has been found necessary to kill whole herds of deer that were destroying property in this way.

CLOSING OF COUNTIES.

Up to this time nine (9) counties of the State,—Fayette, Somerset, Westmoreland, Cambria, Jefferson, Clarion, Forest, and Warren in the western part of the State, and Chester County in the eastern part

of the State,—have been closed to the killing of deer for a term of years under the provisions of the Act of April 29th, 1913; so that no time be lost in this matter and notwithstanding the fact that not one cent of the moneys realized from the Resident Hunters' Licenses was available at this time, I proceeded to the purchase of deer for release in several of these counties, and secured on time from the Mosser Preserve in Clearfield County, through Col. H. C. Trexler, of Allentown, Pa., ninety-eight (98) deer, which were released in Fayette, Somerset, Cambria, Westmoreland, and Jefferson counties, leaving four counties to be supplied with deer as quickly as possible. We are certainly under obligations to Col. Trexler for his kindness in this matter and there should be no delay in presenting the appropriation bill to the next Legislature for that purpose, also including in this bill an amount sufficient to pay for such other animals and birds as may be procured this winter and to supply a supply of food for the feeding of birds should the winter prove severe.

FEEDING OF GAME AND BIRDS.

In the matter of feeding birds last winter I desire to say, because of deep snows the birds were forced to face extreme hardship, many of them dying from starvation, many demands and requests for help in feeding birds were received at this office. Because of the scarcity of money at my command I was compelled to take a positive position in this matter. In the first place, I held that every cent at our command should be applied to the purchase of grain that could be placed by our officers and friends of the birds without cost to the State. I found many more men volunteering for this work than I could supply with grain. In many instances sportsmen supplied the food as well as giving their time in placing the food, and but two bills were presented for pay for placing food for the birds. Both claims I was compelled to deny for two reasons: first, because under the wording of our Appropriation Bill I have the right to use our contingent fund only in cases where the work was ordered in writing from this office, which was not the case in either of these instances, and second, because I had no money at my command from which these claims could be paid. I also ruled that as the fund from which in all likelihood this food would be purchased had been raised through the Resident Hunters' Licenses that this money belonged to sportsmen and that I had no authority to spend one cent of this fund except to the benefit of sportsmen. If the birds to be fed were located upon lands absolutely closed to all hunting we would feed them, feeling that the increase secured would overflow into the surrounding section to the benefit of sportsmen, just as it overflows from our sanctuaries. If

the land was entirely open to hunters, not posted in any way, we would feed the birds, but if the land was posted, and the one posting it either hunted thereon himself or permitted his friends to hunt thereon, then we would not supply the feed for birds to be killed by men who in no way contributed to this fund. We have most certainly had our troubles regarding this matter. The feeding of our game birds during severe winter weather is to my mind a most important feature of our work, and it is made the duty of our paid officers to attend to this as far as possible, to locate the birds before snow comes, if that can be done, and to care for the birds during the winter.

WORK DONE.

We have during the present year called in the commissions of many of our special officers; those who for any cause appeared to be out of touch with the work and the office, many of these men had done nothing for years and made no report to the office, some were using their commissions for personal profit rather than for game protection, some were conducting themselves in various ways reflecting upon this office, such commissions all being recalled.

I had occasion to suspend one of our paid officers, giving him the opportunity to deny the charges against him before dismissal. We have in our employ several ex-soldiers of the War with Spain, also several ex-State Policemen, good men each one. I have found that it takes many months if not years to train competent officers, to teach discretion and good judgment, and to have them learn that a violation of the Game Laws is not a felony, to have them understand that we would much prefer to have several really guilty men escape rather than to kill or wound one who might be attempting to evade arrest. The training of new men is not a pleasant task, and I therefore am more than willing to accept the service of a man already educated to his task. Many men appear to think a commission with salary attachment is all that is needed. I have to my sorrow found this to be a mistake. We have at this time twenty-three (23) paid Game Protectors and about four hundred (400) Special Deputy Game Protectors, the last named list varying from day to day.

BOUNTIES.

I desire at this time to call your attention to a condition that should also be remedied and refer to the act requiring counties to pay the bounty on noxious animals. As the law now stands, County Commissioners are required to pay this bounty from county funds and to await a return of whatever amount may be paid out by them

until the next Legislature makes an appropriation to meet the claim, while the money paid in through the Resident Hunters' License Law for this purpose remains unused in the State Treasury. While this is the law and the Superior Court has ruled that this must be done, many of the counties are short of funds and to meet these demands would be compelled to borrow money. The County Commissioners object to doing this, and it seems to me this condition should be corrected in such manner as will permit the Auditor General to make return to counties as quickly as possible after claims of this character are presented in proper form.

Notwithstanding the severe penalties imposed by law for securing, or attempting to secure, a bounty through fraud in this State, I am satisfied that much deception has been practiced regarding this matter and that many dollars were fraudulently taken from the bounty fund that should not have been paid. It seems, too, that many individuals authorized to take affidavits for bounties at this time appear to think it their right to secure as much as possible from applicants for bounties. In many instances, instead of joining several claims in one certificate they draft a separate and distinct affidavit for each pelt or skin presented for examination, and charge in each case the highest fee permitted by law, to the great disgust and discouragement of the one who has spent his time and energy in destroying vermin. Many of these men taking affidavits do not know one wild animal from another and are, therefore, easily imposed upon. I would, therefore, suggest that the law relating to bounties be amended, first, by striking out of the several birds for the killing of which bounty is now paid, because many of our predatory birds are in reality more beneficial than harmful, and but few men can tell the species of bird before it is killed. Secondly, by providing a new method through which the claim for bounty for predatory animals named in the Act may be established. If the Game Commission was authorized to appoint fifty (50) Game Protectors instead of twenty (20) as at present, and these men were authorized to administer oaths in all matters pertaining to bounties, each of these men to receive a salary of one hundred dollars instead of seventy-five dollars as at the present time, with traveling expenses in like amount, the same to be actually expended in the line of duty, returned under oath, with receipts as now required of our officers for such amounts as are expended. It seems to me much fraud would be prevented and a saving secured that would fully equal, if not exceed, the increase of salary over that paid at this time. These protectors could take affidavits whenever presented, in their daily travels, they could advertise to be at certain points in each county once or twice each year to receive claims for bounties, and being salaried, their services could

well be rendered without charge to claimants for bounties, in this way encouraging those who expend their time and energies in pursuit of vermin, and unquestionably preventing the presentation of fraudulent claims, or punishing those who may make such fraudulent claims. The duty of the Game Protectors then would be to enforce the Game Laws, to locate and feed game and wild birds during severe winter weather, to destroy vermin as at the present time, and as experts to pass upon all claims made for bounties in this Commonwealth in this way rendering invaluable service to the Commonwealth and fully earning the salary allotted to them, for I firmly believe that protection accorded through the destruction of vermin means more to the wild bird life of the State than does protection from harm at the hands of men.

SPECIAL APPROPRIATION FOR THE PURCHASE OF GAME.

We have to the credit of Game Protection and Purchase and Increase a large sum in the State Treasury, aggregating in the neighborhood of \$275,000.00. Some of this fund under the provisions of the Resident Hunters' License Act through which it was collected is to be applied to the purchase of game of various kinds for distribution in various sections of the State, and for the feeding of game during severe winter weather, and I have been planning for some time to secure as much of this game as possible in the very near future, because to have game of any kind, either birds or animals, increase during the present year it will be imperative to have such game released in this State before the coming of Spring. Many of our game birds, especially turkeys and quail, must be fed. To do these things requires money, and there should at once be introduced in the Legislature an Exigency Appropriation Bill devoting to this purpose at least Twenty Thousand Dollars (\$20,000) of the moneys now held in the State Treasury for the use of the Game Commission.

CONDITIONS RELATIVE TO RABBITS.

A careful examination of the desires of sportsmen satisfies me that far more men enjoy hunting for rabbits than hunt for any other species of game found in this State, and I believe if rabbits were more plentiful less men would hunt for birds.

It is beyond doubt the disposition of the rabbit as well as the deer to feed and exercise during the twilight hours and the night-time rather than during daylight.

It appears that the majority of the rabbits killed in the open fields or forests during the daytime are male rabbits, while the majority of

those taken from holes in the ground, hollow logs, etc., are female rabbits, this condition indicating that the female rabbit, the one upon which we must depend for our increase of game of this kind hides away during daylight hours and that any and all methods through which rabbits may be taken from sanctuaries, or may be killed during the night-time, cannot be anything but destructive to these animals, and a menace to the sport of the majority of hunters in this State, and I now call attention to the various objectionable methods of taking these animals that to my mind must be eliminated if we hope to continue rabbit hunting, and all these methods look alike to me, each one tending as much as the other to exterminate the rabbit, and the number of rabbits taken through the use of guns is nothing as compared with the number taken in other ways, and give the following:

Vermin, including the fox, the weasel, the skunk, the house-cat, the crow, hawks, and owls.

Snares of various kinds, the box trap, and especially small steel traps set ostensibly for vermin or furbearing animals in the mouth of every woodchuck hole or other opening in the ground that can be found, and the shooting of rabbits through the use of automobile lights, which while forbidden, is still indulged in.

It does not seem fair or reasonable to have the law specify that men may not take a rabbit they may actually need for food and then stand idly by and permit vermin to destroy the rabbit the man may not take. It does not seem just or reasonable to fix a short period when sportsmen may legally take rabbits through the use of guns and then stand idly by while men with traps of various makes and snares destroy the breeders that have escaped the various kinds of vermin, and it is surely not fair to permit the man who may happen to own or operate an automobile to clean up the breeders as he surely does through night shooting. These are all serious questions for rabbit hunters.

CONDITIONS RELATIVE TO BLACKBIRDS.

I also call your attention to the fact that many complaints have come to us during the past two years regarding the effect of the law giving protection to blackbirds except when caught in the act of committing certain specific depredations. These birds when they begin to flock about the middle of August do untold harm to corn in the milk, tearing open the end of the ear, thus admitting water and causing the whole ear to sour. Again, where these birds congregate as they do to roost, in towns, parks, churchyards, etc., they through their droppings make it, to say the least, unwise to go near them, and I believe the harm they do in these several ways fully

equals, if it does not exceed, the good they may do through the destruction of insects. I know from experience that the purple grackle is almost as great a destroyer of eggs and young of small birds as is the crow, and something should be done to remedy these conditions. People should be given the right to protect their person and their property without incurring possible prosecution.

CONDITIONS RELATIVE TO USUALLY UNPROTECTED BIRDS AND ANIMALS.

The purpose of the close season is to give game of various kinds rest and peace during that time; law-abiding citizens obey these provisions, while those disposed to do as they please, under the guise of hunting for some bird or animal not protected, go into the woods and frequently kill such game as they find, especially before the season opens. I believe, therefore, it would be well to declare the month of October closed to all hunting in this State, through this action taking from would-be violators all reason for being in the woods at that time.

DEER AND BEAR KILLED.

According to reports received I feel certain that at least one thousand (1,000) legal bucks were killed in Pennsylvania during the season just past, and that there were about twelve (12) illegal bucks, or baby deer, killed with horns less than two inches above the hair, with fifty-three (53) does reported killed.

According to reports received to date there were at least three hundred and seventy-one (371) bear killed in Pennsylvania during the season just closed.

ACCIDENTS.

I regret to say that I have reports of thirty-one (31) men killed and ninety-five (95) men wounded in hunting accidents in Pennsylvania during the past season. Only one man is reputed to have been killed in mistake for a deer, and under the present law controlling the killing of deer I cannot understand how such accident could occur.

SUMMARY.

To summarize, game in Pennsylvania, with the exception of quail, seems to have done well during the past year.

The deer released in the several counties that have been closed to the hunting of deer appear to be doing well.

The effort to raise game in captivity in various sections upon what are known as Game Farms does not appear to have been rewarded by the desired or expected measure of success, and it seems to me that our method of raising game in its wild state upon sanctuaries whereon additional protection is accorded through the extermination of vermin and in other ways is the true solution of this problem, and our preserves of this character should be increased.

I believe that for various reasons that hunting is a National necessity, that because this is so it is the duty of the State to supply to the fullest extent possible lands whereon men may hunt without running up against trespass notices, and also to supply game of various kinds to be hunted.

I believe it is the duty of the State to bring hunting as near to the home of the sportsmen as is possible. How this is to be accomplished is an open question.

I believe our laws relative to hunting should be fair and reasonable and uniform, and that sentiment should not be given undue consideration in matters of this kind.

I believe that sportsmen are better fitted to draft game laws than are scientists, or any other class of men. Sportsmen in Pennsylvania to-day are not paupers; they are supplying the money through which protection is given not only to game, but also to song and insectivorous birds, and the sportsmen's ideas should be given consideration in matters of this character.

I believe it would be well to amend our bounty laws by striking out the names of various birds for the killing of which a reward is now offered, and also to place the issue of certificates for bounty in the hands of some one qualified to determine beyond doubt the species of animal upon which bounty is claimed. This duty could well be placed in the hands of our paid Game Protectors, if that force was increased to fifty men as I suggest. Men attempting to secure bounties through fraud would be caught and punished, many dollars now wasted would be properly applied, the individual destroying vermin would receive the full reward intended by those drafting the bounty law and would be greatly encouraged to continue his good work. It seems to me but little hardship would be imposed by this method on claimants for the bounty.

I believe much small game, especially rabbits, would be saved if the placing of steel traps and box traps were in some way restricted.

I feel that individuals and communities should be given the right to remove blackbirds when for any cause they become a nuisance.

A speedy appropriation is imperative if we hope to either feed our game during coming snows or to purchase game before it is too late to reap benefits of increase from such game for this year.

You will notice from an inspection of the financial statement below that we have in all things and at all times worked within the prescribed limits of our appropriation and have made return to the State through fines and penalties of a large portion of the moneys allotted to our use during the past year.

THIRD QUARTER, DEC. 1ST, 1913, TO FEB. 28TH, 1914.

DR.

To balance from last quarter,	\$3,665 89	
To warrant on appropriation,	4,375 00	
To penalties and fees collected,	2,820 23	
To proceeds of guns sold,	8 25	
To proceeds of taxidermists' licenses, ..	26 00	
To proceeds of propagating licenses and tags,	2 10	
To proceeds of ordinary license,	1 00	
To proceeds of special license,	1 00	
To proceeds of non-resident hunting licenses,	9 75	\$10,909 22

CR.

By expenses for quarter,	\$5,786 06	
By deposits in State Treasury,	2,868 33	8,654 39
Balance,		\$2,254 83

FOURTH QUARTER, MAR. 1ST TO MAY 31ST, 1914.

DR.

To balance from last quarter,	\$2,254 83	
To warrant on appropriation,	4,375 00	
To penalties and costs collected,	1,426 94	
To proceeds of guns sold,	17 75	
To proceeds of taxidermists' licenses, ..	17 00	
To proceeds of propagating licenses,	4 00	
To proceeds of special licenses,	2 00	
To proceeds of ordinary licenses,	2 00	
To salary advanced and returned,	75 00	\$8,174 52

CR.

By expenses for quarter,	\$5,399 09	
By deposits in State Treasury,	1,469 69	6,868 78
		<hr/>
Balance,		\$1,305 74
		<hr/> <hr/>

FIRST QUARTER, SECOND YEAR, JUNE 1ST TO AUG. 31ST,
1914.

DR.

To balance from last quarter,	\$1,305 74	
To warrant on appropriation,	4,375 00	
To salary advanced and returned,	75 00	
To penalties and costs collected,	1,748 04	
To proceeds of guns sold,	54 50	
To proceeds of taxidermist licenses,	15 00	
To proceeds of propagating licenses,	5 00	
To proceeds of special licenses,	2 00	
To proceeds of ordinary license,	1 00	\$7,581 28
		<hr/>

CR.

By expenses during quarter,	\$3,683 82	
By deposits in State Treasury,	1,805 54	5,489 36
		<hr/>
Balance,		\$2,091 92
		<hr/> <hr/>

SECOND QUARTER, SECOND YEAR, SEPT. 1ST TO NOV. 30TH,
1914.

DR.

To balance from last quarter,	\$2,091 92	
To warrant on appropriation,	4,375 00	
To penalties and costs collected,	2,056 80	
To proceeds of guns sold,	118 00	
To proceeds of taxidermist certificate, ..	132 00	
To proceeds of propagating licenses,	5 00	
To proceeds of special license,	1 00	\$8,779 72
		<hr/>

CR.

By deposits in State Treasury,	\$2,312 80	
By expenses during quarter,	4,854 82	7,167 62
	<hr/>	<hr/>
Balance,		\$1,612 10
		<hr/> <hr/>

PRESERVE FUND ACCOUNT.

THIRD QUARTER, DEC. 1st, 1913, TO FEB. 28TH, 1914.

DR.

To balance from last quarter,	\$678 06	
To warrant on appropriation,	1,875 00	\$2,553 06
	<hr/>	

CR.

By expenses during quarter,	\$1,385 97	1,385 97
	<hr/>	<hr/>
Balance,		\$1,167 09
		<hr/> <hr/>

FOURTH QUARTER, MAR. 1ST TO MAY 31ST, 1914.

DR.

By expenses advanced and returned,	\$100 00	
By balance from last quarter,	1,167 09	\$1,267 09
	<hr/>	

CR.

By expenses during quarter,	\$1,094 34	1,094 34
	<hr/>	<hr/>
Balance,		\$173 75
		<hr/> <hr/>

FIRST QUARTER, SECOND YEAR, JUNE 1ST TO AUG. 31ST,
1914.

DR.

To balance from last quarter,	\$173 75	
To warrant on appropriation,	1,875 00	\$2,048 75
	<hr/>	

CR.

By expenses during quarter,	\$1,369 25	1,369 25
	<hr/>	
Balance,		\$679 50
		<hr/> <hr/>

SECOND QUARTER, SECOND YEAR, SEPT. 1ST TO NOV. 30TH,
1914.

DR.

To balance from last quarter,	\$679 50	
To warrant on appropriation,	1,875 00	\$2,554 50
	<hr/>	

CR.

By expenses during quarter,	\$1,708 89	1,708 89
	<hr/>	
Balance,		\$845 61
		<hr/> <hr/>

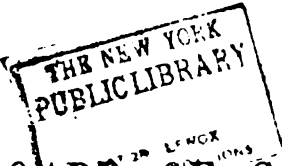
Respectfully submitted,

JOSEPH KALBFUS,

Secretary.



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F.V.
ANNUAL REPORT



OF THE

BOARD OF GAME COMMISSIONERS

OF THE

STATE OF PENNSYLVANIA

INCLUDING A

REPORT OF THE CHIEF GAME PROTECTOR
TO THE COMMISSION

FOR

THE YEAR 1915

HARRISBURG, PA.:
WM. STANLEY RAY, STATE PRINTER
1916

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REPORT OF THE BOARD OF GAME COMMISSIONERS

Harrisburg, Pa., January 6th, 1916.

To His Excellency, Martin G. Brumbaugh, Governor of Pennsylvania:

Sir: As required by Act of Assembly, we, the undersigned members of the Board of Game Commissioners for the State of Pennsylvania, herewith make report of the work done under our direction during the year 1915, and of conditions as we find them, together with the reasons for such conditions. The conclusions arrived at and herein reported are based upon reports received from many directions throughout the Commonwealth, from the report of our Secretary to us, a copy of which is herewith attached, and from personal observation.

STATUS OF GAME.

Game-birds, such as wild turkeys, ruffed grouse and quail, together with rabbits and squirrels, appear to have been plentiful in certain sections of the State, while in other sections wherein these birds and animals heretofore have been found in reasonable numbers, they appear to be scarce or very much diminished, these conditions considered together satisfying us that neither game-birds, excepting turkeys, the increase of these birds being directly attributable to the closed season of two years and the better protection accorded through additional Sanctuaries and the increase of our force of paid Game Protectors, nor the smaller game animals, except squirrels, which is due to the later open season for these animals, have perceptibly increased during the past year and are now in the condition where if they are to be preserved from absolute extinction, changes in our present laws should be made. You understand fully that when any species of game-birds or animals become from any cause reduced in numbers beyond a certain reasonable number, according to the territory in which they may be found, it is exceedingly hard for them, because of severe winters and consequent starvation, heavy rains in the springtime, forest fires, their many natural enemies, and men with guns, etc., to recuperate; when you know that we have more than four hundred thousand (400,000) hunters annually in this Commonwealth, when we consider the improved fire-arms in use, expert marksmanship acquired through practice at the traps, and the means of rapid transit as provided by automobiles and good roads, we are led to wonder

how game birds of any kind can exist, much less increase, and we firmly believe that none will exist for any lengthy period if our present six-weeks' open season for birds is not shortened.

We feel that because of reduced numbers in the ranks of our game-birds and animals, and the increased number of hunters, the day has passed when game of any species can be considered as a fixed source of food supply for any class of our people, either those who may reside on the borders of our wild land where game may be easily taken, or those residing in other parts of the State where heretofore game has been secured through the markets.

GAME SANCTUARIES.

For your information we desire to say that in our opinion the Game Sactuary such as we have created and maintained in this State, is the most important, if not the only method, through which game may be maintained and increased in this or any other Commonwealth.

We feel that game as an incentive to outdoor exercise and recreation should be maintained and that as far as possible this game should be brought as near the home of the laboring man as is possible, and with this end in view, we are establishing, wherever possible, either upon State lands, or by lease upon private lands, as is permitted by law, such Game Preserves or Sanctuaries, wherein game may find peace and safety and because of this condition increase to the fullest extent and overflow onto adjoining lands, where it may be taken by the people under the provisions of law. These Preserves are not inclosed by an impassible barrier of any description, but instead are surrounded by a single wire stretched about waist high to a man, a fire line from which the brush has been cut, over which our officer travels, and from which fires may be met and extinguished, and a line of notices printed on cloth and conspicuously posted, calling the attention of the one who reads to the purpose for which the Sanctuary was created, asking him to keep out and to help us to keep others from trespassing on said land, the three together, the fire line, the wire and the posters being simply notices to men and in no way interfering with the going or coming of game of any kind, or with the taking of game outside the wire in open season.

An experience of years satisfies us that the Game Sanctuary as created in Pennsylvania and tested during the past ten years is the true and only solution of the game proposition, and with this thought in mind we are doing all in our power to not only create public Sanctuaries, but also to encourage private Game Preserves, through which not only a supply of large game such as elk and deer may be

supplied to the owner of such preserve and their friends, but also to many others through the agency of the markets, in this way reducing the demand for wild game, and in addition providing in this way a refuge in addition to the public Sanctuary, in which wild birds of all descriptions, because of the extermination of vermin in such places, may hatch and raise their broods in peace and safety, and overflow into surrounding territory, game birds to the benefit of those who may hunt, song and insectivorous birds through their life-work to the benefit of all the people.

Immediately upon the creation of our first Sanctuaries in 1905 they were stocked with game of various kinds, especially deer and wild turkeys, and several of them later on with elk and fox squirrels. Vermin of various kinds, wild cats, foxes, weasels, certain hawks and owls, and crows, were systematically destroyed, with the result that a most decided and marked increase of game and wild birds has been secured in these places. The big buck as well as the little buck is safe inside these wires; animals of various kinds appear to realize what the wire means to them and many reports come to us of where deer or bear, started three or four or even six miles from one of these havens of refuge, rush straight away for the protected area.

These Preserves are under the care of a keeper during the entire year. This keeper resides near the line outside the wire, and it is his duty to look out for and extinguish forest fires, not only inside the preserve, but also in that neighborhood; he traps and destroys vermin, feeds the game when because of deep snows such action is necessary, investigates violations of the law that may come to his attention either by observation or through report, makes arrests and makes a monthly report under oath to the office at Harrisburg of all work done. During the open season for deer the keepers of the preserves are assisted in their work of guarding the preserve by the regular paid protectors from various parts of the State where deer are not found, detailed for that work by the office, three or more men being located in various camps around each preserve. We have also received for the past several years valuable help from the State Police in this matter, details of men being given us whenever that was possible.

We at this time have fourteen Game Preserves in Pennsylvania. Eight of these preserves have been established within the last year. These preserves are located as follows: The first one in the southeastern portion of Clinton County; the second one in the Northwestern portion of Clearfield County; the third in the Southeastern portion of Franklin County; the fourth in the Southwestern portion of Perry County; the fifth in the southeastern part

of Westmoreland County; the sixth in the eastern part of Centre County; the seventh in the southeastern portion of Potter County; the eighth in the eastern portion of Lycoming County; the ninth in the northeastern part of Huntingdon County; the tenth is located in the Northern part of Carbon County; the eleventh in the Southern part of Lackawanna County; the twelfth in the southwestern portion of Bradford County; the thirteenth in the southern part of Sullivan County, and the fourteenth in the northwestern part of Cameron County. All of these Game Sanctuaries, except those in Carbon, Bradford, Sullivan and Cameron Counties, are located on State Forestry Lands, the remaining four being located on leased lands, leased under the provisions of the Act of April 9th, 1915.

WILD BIRD PROTECTION.

We recognize the fact that while the presence of game is a matter of great importance, because of the benefit that comes through the manipulation of guns, the benefit of recreation, the experience secured through tramping and camping, the information of a general character derived through the intermingling of sportsmen with the people of various locations in the State, we also consider that the value of the life-work of our birds of all species is of a still greater value and that these several interests joined together create a subject of interest second to none in the Commonwealth, and our officers are directed to enforce the law relating to birds other than game-birds, in the same manner as they enforce the law relating to game of any character, in a reasonable and fair manner, always considering the spirit and intent of the law, and we believe this is being done in a manner that is not only creditable to our protectors, but that is also, through an increase of our song and insectivorous birds, resulting in great benefit to the Commonwealth.

RESTOCKING.

Because of the reckless and wasteful manner in which the game of the various States of this nation was being destroyed, especially by men hunting for the markets, it years ago became evident to every one who chose to investigate, that unless something was at once done to stop such wasteful killing, there would soon be no game to kill. Migratory birds were followed up and down the continent, just as the buffalo and wild pigeon were followed by men killing for the market; native birds were shot wherever found and sold by both the traveling and the resident market hunter, and the various States of this Union were driven into the enactment of laws tending to protect their game. Among these is that law forbidding the ship-

ment of game, except in limited numbers and under certain restrictions, out of any State. The National Government to aid the States in this matter passed a law known as the Lacey Law, requiring those who shipped game from one State to another to so mark the package, that its contents could be readily determined from an outside inspection of the package. Later on an act was passed by Congress giving to the Department of Agriculture the right and power to make rules and regulations controlling the killing of migratory birds, either game or otherwise, fixing the season when migratory birds might be killed, or to say that such birds should not be killed at all, if such action, in the minds of those having the matter in charge, appeared necessary, so that today it is impossible to get birds, such as wild turkeys, or ruffed grouse, or quail, known as non-migratory birds, from any State in this Union even for propagating purposes.

By reason of numerous reports coming to us from various directions in this Commonwealth, we became satisfied that unless our stock of quail could be replenished from outside the State, it would be necessary to declare a close season for a term of years on quail, with the result of such closing quite questionable, as we know that up to this time but few people other than sportsmen ever do much in the line of feeding starving quail, and considered that if the interest of sportsmen in these birds was taken through a close season, when the snows came there would be no friend to carry grain to them, and many if not all would die. In the hope of avoiding this test of a close season we cast about for quail outside the United States, and discovered that many quail were found in Mexico, some of them living at an altitude about as in Pennsylvania, with temperature nearly as cold. We imported a few of these birds one year ago, and released same where we could note their action. We found their increase equal that of our native quail, that they were hardy and able to withstand our climate, and that they were not migratory, and decided to secure, if possible, ten or more thousand of these quail and to secure the very best results decided to send an agent direct to Tampico, Mexico. We were warned by the National Government to look out for disease, that if once introduced might destroy our few native birds, and have been careful in this respect, keeping in touch with the Department of Animal Industry at Washington and with our own State Veterinarian Department. We have received one shipment of quail from Mexico; quite a number of these birds died quickly after their arrival here, these birds were sent to both Washington and to our State Veterinarian, and from both came the report that lesions found in the intestines and livers of the birds examined indicate the presence of the dread disease "Coccidiosis", and we greatly fear that our best endeavor in this direction is doomed

to defeat, and are reporting to you at length so that you may fully understand what we have tried to do and if we fail, know why we have failed.

Quite soon after the creation of the Game Commission in 1895, it was discovered that deer and bear were fast disappearing in Pennsylvania, and that elk once found plentiful were absolutely extinct in a wild state, and an effort was directed to the securing of legislation that would give these game animals a chance, and laws were passed forbidding the use of dogs in hunting deer, the killing of deer in the water, the killing of deer through the use of buckshot. A law was passed making it unlawful for any one man to kill more than one deer in one season, this one deer being in every instance a male deer with antlers visible above the hair. It is a well-known fact that deer reach the age of puberty and are able at about fifteen months to procreate, and the law passed by the last Legislature and signed by Your Excellency, fixing the open season for deer during the first two weeks of December, was intended, in addition to the protection accorded men by the absence of leaves, to give the male deer the chance to accomplish the full purpose of nature in serving does, before he was exposed to the fire of the riflemen. The rutting season for deer in this State begins about the time of the light of the moon in October and continues to the 1st of December, and the buck killed in December has surely left progeny behind.

Just as soon as our laws were right, and our deer could not be legally killed during the first fall of the year in which they were introduced and we had money to use for this purpose, we began the creation of Sanctuaries as described elsewhere in this Report, and started to purchase deer from States that would permit their shipment. During the winter of 1906-7 we stocked the preserves in Franklin and Clearfield Counties with deer, placing about twenty-five in each; in 1912 we brought fifty elk from the Yellowstone Park country and twenty-two from a private preserve in Pike County, Pa.; the same year we purchased and released ninety-eight deer from a private preserve in Clearfield County. The deer released in 1913 and in 1914 were placed in counties that have under the provisions of law been closed for a term of years. They are increasing rapidly and when the close season is ended will provide good deer hunting in counties wherein no hunting has been enjoyed for fifty or more years. The elk introduced have increased fairly well, not as rapidly as the deer because the increase is usually one each year instead of two or more as is the case with deer. Our deer appear to be increasing rapidly in all parts of the State where deer are now found, and will continue to increase to the great benefit of the people, if given the opportunity. We have at least 8,000,000 acres of rough

land in this State, well adapted to the raising of deer and we see no reason why deer should not be released in such localities, and with that idea in view expect to bring into Pennsylvania and release at least one thousand (1,000) deer and seventy-five (75) or more elk this Spring.

RING-NECK PHEASANTS.

In the matter of our effort to try out the Ring-neck pheasant in this State, we desire to make report that the birds secured, about one thousand in number, were released last Spring in various places in the southern and central counties, where we believed they would receive care and attention at the hands of men, where there would be as little snow as possible and where they would be as free from attacks by vermin as they could be anywhere in the State. The birds were placed under the control of sportsmen, who promised to care for them and make report to us of conditions as the year progressed. We are now receiving many letters regarding the increase of these birds, and the reports are quite gratifying, many covies containing from four to twelve young birds in each covey having been seen. In some sections the birds released last Spring have apparently deserted that locality. From other sections in which no birds were released the presence of Ring-neck pheasants are reported. Some of the old birds released were killed quickly in various ways, some by dogs, some by farm machinery, while the reaper, the mower, and the hay-rake destroyed many nests; many were lost in other ways, still the reports now being received indicate that there has been a decided increase and that we have several thousands of these birds in this State at this time. Our reports show that fully six hundred (600) of these birds were killed legally by hunters during the open season just passed. From data collected regarding the feeding and roosting habits of Ring-neck pheasants, we are satisfied they are strictly ground feeders and not "budders", as are our ruffed grouse and turkeys, and that they must starve when the deep snows come, unless they are artificially fed and cared for by men, and are not likely for these reasons to increase in a wild state. The presence of deep snows with sleet and ice for a continued period will settle the possibilities of these birds in this State, as they have in every other State, where snow and ice covers the ground for any lengthy period, still we believe that if the Ring-neck pheasant will multiply in this State during the summer time and mature birds can be secured from breeders at a reasonable price, say \$2.00 or \$2.50 per bird, it would be a display of good judgment to release a few thousand of these birds each spring, sportsmen being permitted to kill such birds as may be secured, with their increase, each fall during the open season

and repeating this procedure each year, fully understanding that in no State in this Union excepting Western Oregon have these birds become a part of the fauna of that State. If a pair of mature Ring-neck pheasants cost \$5.00 and the increase was but eight young, ten birds would be provided for shooting purposes at a reasonable cost to the men who furnished the money for this very purpose; if more than eight young birds were produced by each hen, or some of the birds through feeding and special care were enabled to survive the winter, we would be just that much ahead. We are, therefore, disposed to release more of these birds next Spring.

DAMAGE TO TREES AND CROPS.

During the past years various claims for damages sustained through the action of game of various kinds have been presented to the Game Commission for adjustment. Our Secretary reports to us that he has investigated wrongs of this kind as reported, and that while in some cases serious and undoubted harm has been done by wild creatures, in the majority of cases but slight damage, if any, had been done, and suggests that some action be taken through which the one who really suffers from this cause may be paid in full for damages sustained.

Experiences teaches us that it is the disposition of many to attribute losses sustained to causes that will to the greatest extent relieve the claimant of responsibility and to place that responsibility upon somebody from whom the greatest possible return may be expected. An orchard is planted, the soil is not adapted to the tree planted, the trees are scalded by the sun in the west, borers are in the trunks, sometimes the trees stand in water for months at a time, mice and rabbits get in their work, now and then the cattle get into the orchard and feed for a while on the succulent branches. many of the trees show they have been seriously scraped by the whiffletree of the plowman or cultivator, but these mean nothing to the owner, because he alone is responsible; let a deer or even a deer track be seen in that orchard and the whole aspect changes, the entire orchard is ruined and the deer did it, they belong to the State and the State must pay. The story gets into the newspaper and grows from day to day, when sometimes there is not one word of truth upon which to base it. A year or so ago a story of this kind was published, a certain fruit grower had suffered a loss, through the presence of deer in his orchard, that amounted to thousands of dollars and that if continued would certainly ruin the owner. Investigation was immediately started and a three hours' inspection of the orchard by one of our Game Protectors showed but one tree

seriously injured, the bark having been entirely rubbed off the trunk of a tree about two inches in diameter by a buck. Investigation in the neighborhood showed that the owner of the orchard, for reasons stated, was running behind in his business, that his bills were not paid, that notes in the banks were renewed, that reasons for such renewals were demanded, late frosts, blights, insect pests, etc., had served their turns, and now it was deer.

From another direction came a claim for more than \$1,000.00 damage done to an orchard by deer; the claim was itemized, each tree cost a certain price, cultivation each year was worth so much, the tree at one year was worth a fixed sum, the second and third year the value increased, at a rate that would have placed a valuation of about \$20.00 on the tree at five years. Two of our officers visited the orchard and reported that while many of the trees in the orchard were dead, they were not killed by deer, that in their opinions soil and unfavorable location were to blame. Finally two of the trees were sent by the owner to Harrisburg, they were said to be in the third year after planting, neither was over thirty inches in height, the small twigs clear to the top of the main stem were intact and the buds were unbroken on many of them. We thought the trees were small for their reputed age, and wondered how the deer could have killed them without mutilating the branches. They were taken to an expert in the Department of Agriculture, who quickly said, "Winter killed", they were then taken to Prof. Surface, of the Agricultural Department, who looked them over and said, "Winter killed." The owner when written to regarding these facts was quite indignant, he said neither of the men who examined the trees knew his business, and we would pay or be advertised through certain agricultural newspapers. The bill was not paid.

Grain is sown on springy land and freezes out, deer were seen in that field during the fall or early winter, when the ground was solidly frozen, when what they ate could not injure the crop, yet, the crop failed and the deer did it, the State must pay. A cabbage or garden patch is planted, a deer's track and it might be a pig's track is seen in the garden; the work of the cut-worm, the green-leaf worm, various cabbage diseases, drought, everything else is forgotten, the deer did it and a bill is presented that aggregates more for every cabbage plant set out than would be needed to buy a like number of mature cabbage heads in the fall.

A few beaver straggle into Pennsylvania from somewhere and start house-keeping, they cut a few trees to be used in their dam, not one of these exceed ten inches in diameter and are of the kind ordinarily found in that section, beech, birch, poplar, and none of extreme value. The trees cut by actual count numbered about twenty-one and

would not have made two cords of wood, yet the damage claim presented exceeded the price the owner paid for his whole farm. When attention was called to the small value of the trees destroyed, the claim was made that the value of the trees was but a part of the loss sustained, the greater part being damage done to the land by water from the dam built by the beaver, the land was so soaked with water from this dam that crops could not be raised, this in the face of the fact that this dam was in a depression, and that at no place did the surface of the water in that dam reach within eight feet of the surface of the surrounding land. These are but illustrations of claims presented. Our rulings in these matters do not appear to be satisfactory, and we would suggest that a Board of three men specially authorized to adjust claims of this character be created, one from the Department of Agriculture, being an expert in his line, one from the Department of Forestry, thoroughly understanding trees and forestry, and one from the Game Commission, who shall understand the feeding habits of animals and birds, and their disposition to destroy; these men to serve without pay, who shall meet annually or semi-annually as the case may require, and whose finding shall be final in so far as the State is concerned. A special fund to pay these claims should also be provided.

GAME PROTECTORS.

We desire at this time to specially report the work accomplished through the increase of our field force, our Game Protectors, from twenty as heretofore, to fifty as at this time. Pennsylvania is a big State, containing in round numbers almost 28,800,000 acres, and it is hard for fifty men to cover this territory as it should be covered and as many of our people expect it to be covered. We have many people in this State who are interested in the work of game protection and many more who are helping in every way possible in the work of wild bird protection and they are noting what is done. Our men are expected to enforce our State laws relating to both these subjects everywhere and all the time; our officers are expected to work day and night from one month's end to the other, Sunday and every day. That they are active and energetic is shown from reports of organized sportsmen and individuals in various parts of the Commonwealth, but they cannot do all things, they are not omnipresent. Sportsmen through the Resident Hunters' License are paying the bills for both game and wild bird protection, and from many directions comes the demand that there be at least one Game Protector for each county in the State, and especially is this necessary if our officers are to assist in the enforcement of the Forestry and Fish Laws of the Commonwealth, as well as the Game Laws, and we are

perfectly willing to have our men assist in this work. The fact that an officer is known to be in certain territory has its effect for good; in addition to this an examination of our books will show that many more violators were arrested last year than during any prior year, simply because we had more men. Our records regarding those punished for bounty frauds show that this could not have been done with the force we had in 1914. Many cities of this Commonwealth have more men on their police force, covering but limited territory, than we have for the whole State. It is just as hard to make good brick without straw today as it ever was in the world's history. The new Bounty Law has simply revolutionized matters in that direction, and is stopping the unheard-of frauds of former years, and is saving many thousands of dollars. Our paid protectors are authorized to take affidavits relative to bounty claims, without charge to the claimant. They take the affidavit, examine and mutilate the pelt presented, and give it back to the owner. The skin examined by a Game Protector in the field is not sent to Harrisburg, as is the case when the affidavit is made before a justice. The sportsmen in every county in this Commonwealth believe that as they are paying not only the bounties, but also the salary and expenses of the Game Protector, they are entitled to a Protector to not only protect and feed their game and wild birds, but also to kill vermin and to protect their bounty fund, at the same time making it as easy as possible for honest men to secure the bounty they are entitled to.

Respectfully submitted,

CHARLES B. PENROSE, President,
WM. B. McCaleb,
JOHN M. PHILLIPS,
J. S. SPEER,
GEO. D. GIDEON.

Harrisburg, Pa., December 1st, 1915.

To the Members of the Board of Game Commissioners of Pennsylvania:

Gentlemen: In looking over the data collected preparatory to making this Report to you, I cannot help feeling grateful that conditions relative to our work are as they are in this Commonwealth. I am satisfied these conditions will compare favorably with those found in any other State in this Union. I have but recently returned from a trip to California and adjoining States, and made it my business to inquire regarding game and wild bird conditions at every place where opportunity afforded; I called at the headquarters of several State Game Commissioners; I visited gun stores located in cities where we stopped for a day or more; I talked with numbers of individuals I met at the Expositions at San Francisco and at San Diego, at the Grand Canyon, at Denver, and at Des Moines. During this trip I met men from more than half the States of this Union, especially western and southern states, and from various provinces of Canada. I inquired first if the person addressed took any interest in hunting, or in game, or wild bird protection. If they were not interested, I dropped the matter; if they expressed interest, I inquired what State, or country they had come from, and followed this by numerous questions regarding our work, from all of which I feel satisfied that in Pennsylvania we have a *greater variety* of game than is found in most of our northern states, and in quantity equalling that found in almost any State, either northern or western, excepting in the matter of deer. I do not intend by this statement to have it understood that we have in this State an over-abundance of game, or more than we need, for I know this is far from correct, but I do believe we have stock enough to insure plenty of game, if given the care and protection that should be given. When I said to some of these men in the West that we had thousands of wild turkeys in this Commonwealth, and that we last year killed in Pennsylvania more than four hundred and fifty (450) black bear, I am sure many of my hearers put me down as near relative of Annanias.

I was surprised to find that in so far as those with whom I talked were able to inform me regarding efforts in their home states, Pennsylvania stands head and shoulders above all states in her effort to protect song and insectivorous birds. When I spoke to game officials regarding this phase of our work, I was, in various places given to understand that the people of that particular state had not yet

reached the point, where the preservation of anything excepting game was given consideration. In several instances I was told it was hard enough to get laws passed protecting game, without adding protection to small birds, and I thought, perhaps some of our states that claimed to be progressive and ahead of Pennsylvania in many ways, were wasting their strength by lifting on the short end of the lever. I told several that, while we in Pennsylvania considered hunting a National necessity, etc., we found that many of our people did not hunt and could not be persuaded to assist in securing laws giving protection to anything, without first being shown the necessity for such law; when they understood the value of that law to them, they were with us every time; when the farmer and others realized what the life-work of wild birds meant to them, they were ready to put their shoulders to the wheel and push for laws giving protection, not only to the bird in question, but to all birds, and to aid in the enforcement of those laws relating to such birds.

Investigation fails to show any State in this Union that has within its borders the number of hunters found in Pennsylvania (more than 400,000), and I do not believe the hunters of any state secure more game (with the exception of deer in Maine, and quail and wild water fowl in southern states) than is taken in this State. If these statements are facts, it seems to me perfectly fair to assume, that we have in Pennsylvania as fine a game area as is found within the United States, and that with care and fair treatment our game will unquestionably increase to the benefit of all.

When we consider the way in which our deer have increased in this State during the past ten years, without a close season, and the wonderful increase of our wild turkeys during the past two years, with a close season, one must be satisfied that the majority of our hunters are law-abiding and are willing to respect the enactments of our Legislature because it is the law. Some one will assert this is a joke and that does, for instance, the killing of which is prohibited, are still being killed, and this to a certain extent may be true, but we know that our deer are increasing; a condition that could not exist had protection not been accorded female deer. We know that sixty does, perhaps a hundred, were killed last season, but we also know that numbers of men have paid the penalty, in cash or imprisonment, for their action, and others have been so closely pressed as to make them a little cautious in the future. When we consider that there were at least forty thousand (40,000) men in the woods last fall hunting with rifles, for deer, the killing of one hundred does contrary to law, through excitement, accidentally, or maliciously, is not so bad, but instead shows that Pennsylvania hunters as a class are law-abiding, and that the organizations for game and wild bird

protection, for forestry and fish protection, that are being formed, have their influence for good. This fact also satisfies me that the great majority of our people favor conservation and have reached the point where they will not permit those who may feel disposed to violate our Game Law, to do as they please.

The first of these associations, the Pennsylvania State Sportsmen's Association, is still on the firing line good and strong; the United Sportsmen, the Philadelphia Fish and Game Protective Association; the Wild Life League, and other bodies are in position to do, and I am sure will do, splendid work in the years to come, if jealousies and bickerings can be allayed. These organizations are composed of honest, earnest men, working for the benefit of all our people; they are not striving for profit to individuals, except in so far as that profit is derived through benefit to all our people. Yet, when this organization or that individual takes the initiatory step and calls a conference, ordinary human nature shows itself and this individual, or that other organization, holds back, to the great injury of the cause all should be interested in. Experience teaches that no good can come from dividing forces, and this should not be, and as a method through which this condition could possibly be overcome, I would suggest that it might be well for the Game Commission to call all sportsmen into conference, before the meeting of the next Legislature; join with them in that conference, considering game conditions in all parts of the State, discussing the correction of those conditions where they may be objectionable and all together standing by the conclusions of that conference. I know that the Game Commission has, prior to this time, hesitated to do this, feeling that it was not their province to dictate the game laws, and this is perhaps true, but action through such a conference would not be dictation and would preclude much misunderstanding. To illustrate: The Legislature of 1913 passed a law giving counties under certain conditions the right to close their territory to hunting for a period; the purpose was to stock such county and give it a chance to increase fairly before it was exposed to the gunner. This idea did not originate with the Game Commission, but instead came from sportsmen who thought it entirely wrong for us to spend the sportsmens' money, say \$25.00 for a deer, or \$8.00 for a wild turkey, to be killed the first year, still there are men claiming to be sportsmen who oppose this proposition, one gentleman from western Pennsylvania writing me that he intends to do all in his power to have this act repealed by our next Legislature.

Again, that feature of the act passed by our last Legislature forbidding the sale of rabbits and squirrels *killed in this Commonwealth* did not originate with the Game Commission, but instead was sug-

gested in the first place by hunters who claimed that this or that farmer posted his lands and prevented hunters from going thereon, because he desired to kill the rabbit himself and to sell same in the market. At a conference held in Harrisburg, called at the instance of the Wild Life League, this statement as above stated was made and discussed. In the consideration of the question, a delegate from Indiana County said he represented the farming interests of his county, and that they, the farmers, demanded the adoption of this feature, but for an entirely different reason from that before given. He said, "during the majority of the open season for game as it now stands in this State, our farmers are at work husking corn, etc., and preparing for winter; they have no time to hunt for anything, and when they do get an idle day, they find that the market hunter from town, or country, the man who won't help the farmer for any price at any time, has killed everything he can reach, and is living fat on the profits secured through the sale of game." Still another delegate said, "aside from, and in addition to these reasons, I do not think it fair to have the Game Commission spend our money, secured through the Resident Hunter's License, for rabbits and other game, and then have the farmer who does not contribute one cent to that fund, or any other person, sell that game for only a part of what it cost." The proposition to incorporate in the Game Law a provision forbidding the sale of rabbits and squirrels in addition to turkeys, grouse, quail, woodcock and deer, was adopted unanimously by that conference. The Game Commission had nothing to do with this measure either for or against it, yet your secretary was abused and bullyragged more than once because he refused to take a position against this feature. It seems to me that a conference called as before stated would to a great extent relieve this situation.

GAME PRESERVES.

The Game Preserves created under your direction on State lands have all been completed; fire lines have been cut out; the boundary wire is in position, and the notices duly posted, and each one is prepared for stocking.

The preserves on private lands leased by the Commission are each one also in good shape; fire lines are cut; the wires and notices are in position, the only trouble with this class of preserves being that the owners of said lands in the majority of cases have refused, as suggested by you, to fix a price at this time for which the State might purchase said lands at any time during the term of our lease. One of the principal reasons for this action upon the part of the land owner is, that they suspect the presence of coal, or fire-clay, or

other minerals of value and do not care to fix a price for their lands until same have been explored to their satisfaction.

Closing of counties to the killing of game of various kinds for a period, I believe to be the only method through which game of various kinds can be reestablished in some parts of this State, especially is this the case where certain species, either birds or animals, have been exterminated and where the return of such creatures is entirely dependent upon the introduction of game from other territory. Some objection has been made to this method of game increase, and for various reasons, among them being the claim that when a county is closed to certain game, there will be a decrease of revenue during that period from the Resident Hunter's License applicants who might be disposed to hunt for that particular species of game for the killing of which the county is closed, and this very likely is true. The same condition would exist were the same kind of game to become extremely scarce or to become entirely extinct. Under either of these last named conditions, the reduction in income would become perpetual, while under the closing system the revenue would be undoubtedly increased at the end of the term. Another objection comes from individuals living in counties adjoining the closed county, who complain that during such closed period the residents of such counties come into their counties for game, in this way crowding hunters into a limited territory, those finding fault forgetting that if game in the closed county is increased the residents of that county, when the close season has terminated, will not be compelled to go into other territory, while if it is not closed and game be given a chance to increase, the time will soon come when there will be no game in either county.

Pennsylvania is among the few states, if not the only State, in this Union that has increased her deer and other game without declaring a close-season for the entire State. Through our Sanctuary system game of various kinds will not only be perpetuated, but will undoubtedly be increased. The big buck, as well as the spike horn, the wild turkey, the ruffed grouse, squirrels, etc., will therein find safety, and because of the peace thus guaranteed will increase to the limit. The closing of a county for a term of years means the same thing for that period, and each one of the counties closed under our law should have established within their borders a permanent Sanctuary before the present close season is ended.

FOREST FIRES.

From observation extending through many years, I am satisfied more harm is done to the cause of game and wild bird increase by forest fires, than is done in any other way, and especially by early

Spring fires, when our birds are nesting, or at a later period, when the young of both animals and birds are helpless. Aside from this, the destruction by fires of the growing trees and shrubs and vines, through which a food supply for wild creatures is produced, is a most serious proposition and some radical step should be taken to have our people, not only sportsmen, but all our citizens, understand that each individual will be held responsible for the damage done by forest fires in his district. Sportsmen should see to it that every possible aid be given our Department of Forestry in the care of lands under its control. The man who either wilfully or negligently starts a forest fire should be made to understand that he is not specially injuring the Department of Forestry, but instead is destroying something that belongs to all the people, that when gone can perhaps never be replaced. Such people are undoubtedly criminals and public enemies, and every sportsmen in this State should constitute himself a committee of one to see to it that such criminals are placed behind the bars, where they belong. When we consider the loss sustained and the vast injury done by forest fires, it seems to me the expense of keeping in prison the men who start these fires is but a small item as compared with the possible loss that may come through their being at large.

SHOOTING AFTER SUNSET AND BEFORE SUNRISE.

One law of this State at this time forbids the shooting of wild water fowl before sunrise of any day; another act provides that game birds shall not be killed during the night time, and defines "night time" to mean that time extending from one hour after sunset to one hour before sunrise the following morning. It seems to me, if we hope to preserve some of our most valuable game birds, wild turkey and ruffed grouse, that this act relating to non-migratory birds should be amended, so that no one might shoot at, or kill our native game birds, of any kind during that time extending from sunset of one day to sunrise of the day following. I am sure that thousands of our ruffed grouse are killed on grape vines, or hawthorn, or black-haw, or other food-producing trees, between sundown and dark, when they go to such places for food, and I am also satisfied that hundred, I might say thousands, of our wild turkeys, many of them young and not able to care for themselves, are annually killed while on the roost between daylight and sunup, frequently by men who call themselves sportsmen. To my mind, the one who shoots a hungry bird seeking food at even-tide, after it has been harassed and driven all day long, or the one who shoots a baby bird in the early morning on its roost, is not the

kind of a man I would like to trust in a time of danger or to tie to in adversity, still we have such men, hundreds of them, who can be controlled only by the strong arm of the law. I fully understand that we are trying to increase game so that it may be taken by sportsmen, and not simply to be looked at, but I also know that if we permit our game to be destroyed in an unreasonable or wasteful manner, our entire effort will have been in vain and we will shortly have no game for any purpose.

CHANGE OF SEASON.

I believe, too, that the season for game birds in this State should not extend beyond four weeks. With the number of hunters (400,000) annually in the woods, improved fire-arms, expert marksmanship, and the especially rapid transit supplied through the use of automobiles, I am satisfied our birds such as the wild turkey and quail and grouse cannot stand a longer season. I recognize the force of the claims made especially in the counties in the northern half of our Commonwealth, that unless they get a chance at the woodcock before November 1st, they will get no chance at all, as these birds will have migrated before that time, but can see no good reason why our turkeys and grouse and quail and squirrels should be sacrificed through an early open season, because we happen to have a few woodcock in this State. It seems to me it would be far better and in accord with good business judgment, to say that wild turkeys and quail and squirrels might be killed during the month of November only; that woodcock could be killed from the 15th of October to the 1st of December, and that rabbits could be killed from the 1st of November to the 1st of January. Rabbits increase rapidly and can well stand a two month season. A uniform season would be all right if it could be arranged with justice to our game as well as to the people of the several sections of our State, and in a manner that will perpetuate our game. I am satisfied that not one-half the turkeys or quail or squirrels would be killed contrary to law by woodcock hunters in October, or by those who might be hunting rabbits in December, that are killed under the present law in October. This is a serious question that must be considered sometime, and that should be adjusted now, before it is too late.

If we could buy wild turkeys or quail at a reasonable figure and in numbers sufficient to mean anything, our present law might be all right, but up to this time we have been unable to secure these game birds as we would like to do. Our effort in this direction made last year resulted in securing two hundred (200) quail from Mexico, and no turkeys from anywhere. One philanthropist from Virginia wrote

me that he had a pair of turkeys, a male and female, that he would sell cheap. When I wrote for prices, he said \$30.00 for the Tom and \$25.00 for the hen, or \$50.00 for the pair. We did not get these birds.

After a careful survey of the market, the limited places from which either turkeys or quail can be secured on this Continent, we decided to send an agent direct to Mexico, first having arranged with the Biological Survey at Washington to admit our birds into the United States, if we secured any. That agent is now in Tampico and informs us that he in all probability will be able to secure several thousand quail in that section. These birds will come from an altitude similar to that of Pennsylvania, about five hundred (500) feet above sea level.

The two hundred quail we brought from this same locality last winter were realised upon protected areas in various sections as soon as possible in the Spring. Reports show that these quail raised nice coveys, and that at this writing the birds are still with us and show no inclination to migrate.

We have arranged with our several officers to receive and care for during the winter such birds as may be secured, each one having a limited number of quail under his control. We consider that by keeping these quail in this way a few in a place, there will not be near the danger from disease that might come were the birds held in larger numbers in any one place.

We have our plans laid for securing deer, both White-tail and Fallow deer, and hope to secure at least one thousand White-tail and perhaps one hundred and fifty or two hundred Fallow deer, the Fallow deer to be placed in those counties that have no deer at this time, and that have been closed to deer hunting for a period.

USE OF MONEY RECEIVED FROM RESIDENT HUNTER'S LICENSES.

There seems to be a disposition upon the part of some of our hunters to divert some of the money realized through the Resident Hunter's License Act to purposes not only, not considered by that act, but that are directly contrary to the statements and promises made by those who favored and supported that act. As you will no doubt remember, when this bill was first introduced in our Legislature, there were many who claimed the purpose was not to raise money to benefit hunters, but instead, was intended as the entering wedge through which poor men were to be driven from the hunting field; that while the fee (\$1.00) was reasonable at this time, it would soon be raised to \$5.00 or \$10.00 or \$20.00, and the laboring man be

eliminated. Many others said, "we are perfectly satisfied to pay this dollar annually if the money is applied to our use, but we know it will be used for other purposes," and the promise was repeatedly given that not one dollar of this money should be applied to any purpose excepting the payment of bounties for the killing of animals considered destructive to game, and to the work of game protection and increase, the purchase of game and the feeding of game during winters. Because of these declarations, enough votes were secured in the Legislature to pass this bill and the return therefrom has been simply phenomenal. At least 300,000 hunters during 1913 and the same number in 1914 paid their dollar into this fund, thereby giving to the Game Commission a something they never possessed before—the means to do that for which they were created, to do something that will benefit and satisfy the men who have put their dollar into this fund.

It is with deep regret that I am now compelled to say to you that an effort is being made to do the very thing the supporters of the Resident Hunter's License bill promised should not be done; namely, to divert a part of the money secured through this measure to purposes not contemplated by this act. Some of the men who were the loudest in their declarations that this should not be done, are now leading in the effort to violate their pledges. They claim that the revenue secured through this measure is so far ahead of expectations that they are sure the money cannot be judiciously used for the purposes named in the act, and that, therefore, a part—one-third—they say, shall be applied to the purchase of lands for public use, picnics, etc. Just who has this land to sell, or where it may be located, has not yet developed, but certainly, because of conditions, it must be in some place where it cannot be used by all the hunters whose money may be applied to this purpose, and it seems to me that this proposition, aside from the question of honor and integrity involved in such action, has not been well considered. I am confident the hunters of Chester or Montgomery or Westmoreland Counties, or of any other county in the Commonwealth, will not be satisfied to have their money used to buy lands in Lackawanna or Union or Lycoming, or in any other place far from their home. It was distinctly promised that every dollar of this money should be applied to the benefit of sportsmen, to the end that game in quantity be brought as near the home of the laboring man as possible. If too much money is secured through this Resident Hunter's License Act, it seems to me it would be a display of good judgment and would suit the majority of hunters better to reduce the license fee to fifty cents, instead of applying any part of that fee, as now collected, to the purchase of lands, or to any other purpose not clearly declared by

the act. If this proposition is agreed to, then indeed has the wedge been introduced and our money can well be applied to good roads or hospitals, or to any other purposes.

KILLING OF MEN.

During the session of the last Legislature a bill was introduced by Prof. Dell, Member of the House from Huntingdon County, making it a special offense to shoot at or kill a human being in mistake for game of any kind. This bill was referred to the Judiciary Special Committee of the House, and was laughed out of Committee, the gentlemen composing that body apparently not understanding the true situation and considering the matter a joke. To my mind, human beings are as surely entitled to protection from injury at the hands of reckless men with guns, as is any species of game or wild birds. An accident is one thing and a mistake is another thing. I may shoot at a deer, or other game, and kill or wound a man unseen to me, that would be an accident. This is a matter hard to control and might be excused, but if, either with or without care, I shoot at what I think is a deer or other game, and afterwards find the object shot at or killed was not game, but instead, was a man, that is not an accident. Such action should not even be excused as a mistake, but instead, should be severely punished. The life of any man, hunter or otherwise, in the woods means more to him and to his family, than does all the game in the State, and neither regrets nor flowers mean anything to the dead one, or his family.

Those who may be disposed to laugh at proposed Legislation regarding this subject may well do this, so long as they or their friends are not injured. When the matter is brought right home to them, experience teaches, that in many instances, these people are the very ones who howl the longest and the loudest. That you may understand what this means, let me say that during the hunting season of 1914, thirty-one men were killed and ninety-nine wounded in this Commonwealth through the use of guns; up to the time of writing this report we are informed twenty-nine (29) men have been killed and one hundred and ten (110) wounded during the season of 1915. Some of these occurrences were accidents, but the majority were the result of, to say the least, wilful, criminal carelessness. Some resulted from deliberate violation of law, as for instance, our game law provides that no person shall use a turkey call in attracting wild turkeys. Numbers of the shootings this year resulted from the use of turkey calls, the operator hiding behind a log, or in a clump of bushes, and either shooting the one who in good faith thought he was stalking a wild turkey, or being shot by that person. Any citizen of this Commonwealth has

just as much right to go into the woods during the open season for game, as has the hunter. Under present conditions, there is not a minute of that time when a man's life is safe in the woods; some fool sees the branches move or hears the brush crack, when bang goes his gun, and the next call is for the coroner. It seems to me there should be some concerted action taken by sportsmen to secure drastic Legislation regarding this important subject; hunters should be taught to understand that before they shoot at anything in this State they must be sure they are not shooting at men, or must suffer the consequences.

TRAPS.

Protests in considerable numbers are being received at this office regarding the setting of steel and other traps for the catching of fur-bearing animals, the assertion being made that thousands of rabbits, hundreds of ruffed grouse, and other game, is taken through the use of such appliances, and especially those that are set in woodchuck holes or other openings in the ground, or in logs. It is a well established fact that the female rabbit spends the hours of daylight under cover, in holes in the ground, in stone piles, in hollow logs, or in other places where darkness prevails. It is a well established fact that eight out of every ten rabbits killed in the open during the hours between sunrise and sunset are male rabbits, while eight or more out of ten rabbits, taken from holes in the ground, without having first been chased into such openings, will be found to be females. The placing of steel traps in openings to such places of retreat most surely results in the killing of numerous rabbits, especially the breeders, and the question of setting traps is a most serious one in many sections. At the very best, a leg of the rabbit or bird caught in such trap will be broken, and the creature, even if released, be seriously handicapped in its effort to secure subsistence. Our law at this time—Section 10 of the Act of April 21st, 1915—provides all game must be taken through the use of a gun, but then goes on to provide that traps not to exceed a No. 3 Standard trap may be used for the taking of vermin, so long as such trap is not set where rabbits and other game may be caught. No punishment is imposed by the Act for violation of this last named provision, it being claimed that the law permits the use of traps of less size than a No. 3, and that the penalty imposed for taking game in any manner than through the use of a gun does not apply to what is termed the accidental taking of a rabbit through the use of a device legally placed for taking vermin.

BOUNTY FRAUDS.

As you are no doubt aware, the Game Commission through its Secretary, bitterly opposed the passage of the Act of July 25th, 1913, placing a bounty on certain animals and birds in this State. So determined and outspoken was that opposition that I was haled before a Committee of the House and asked whether or not I had attempted to defeat that Bill, and had threatened to protest to the Governor and if possible have him veto the bill, should it be passed by the House and Senate. To this I replied that I had done as stated and that it was my duty to so act. Several members of the Game Commission joined with me in this effort to defeat a bill that in part at least, that part placing a bounty upon certain birds in this State, was most harmful. John M. Phillips came from Pittsburgh and appeared before the conference of the Senate and House in a final effort to have the birds eliminated, without success, and the bill was signed by the Governor. Shortly after this Act was passed in 1913, I wrote an open letter regarding the possible harm that might come to the State through this act, and forwarded copies of same to the various County Commissioners of the State and to thousands of sportsmen and to many newspapers of the State, and asking each one to be on guard. During 1914 I wrote two more letters regarding this matter, and forwarded copies as before all over the State. At the time of writing the first letter I simply suspected fraud; when the second letter was written I knew frauds were being perpetrated, but was absolutely helpless. In the matter of correcting same, we had no authority to demand a view of any paper presented to County Commissioners before the same had been forwarded to the Auditor General, and as we understood it, our right to investigate even after said presentation, came only through the authority given by the Auditor General. I am now informed by the Attorney General that it is not only our right, but that it is also our duty to investigate these frauds and to cause the prosecution of every claimant and every person, official or otherwise, who aided or assisted in the making of an illegal demand to either the county or State for bounty.

When these claims by counties for reimbursement began to come to the Auditor General, that official informed me that he would not permit the payment of any of these claims until same had been passed upon by some one who knew and understood the possibilities of fraud in this matter, and it was arranged to have all claims for bounties presented for 1913 and 1914 examined in our office, the Auditor General supplying a part of the force necessary to this work, and the Game Commission the other part, and this has been done. Six and sometimes more men have been engaged for months in auditing these claims, and the facts being developed are simply astounding.

Prior to the passages of this act no one could, under any condition of circumstances, have made me believe that there were so many men in Pennsylvania willing to commit perjury for a dollar.

No one could have persuaded me that men, as individuals, or in combination, could be persuaded to attempt the frauds that have been perpetrated against this fund.

No one could have made me believe that so many men in public life were as lax in the handling of public interest entrusted to them as has been demonstrated they undoubtedly have been in the handling of these claims for bounty, and I have ceased to wonder that men of this disposition who understood themselves and some of their fellows better than I understood them should have dared to question the integrity of members of the Game Commission.

To illustrate, the Act of 1913, providing for the payment of bounties among other things declares that the claimant for bounty shall go before a certain official authorized to administer oaths in this Commonwealth, and shall make an affidavit in which they shall plainly state when and where, and by whom, the animal or bird in question was killed. To sustain their claim such person shall present before the official, either the body, or the entire pelt of the animal, or bird, for the killing of which the bounty is claimed. The act provides that the official shall then in the presence of a witness, who shall be an elector, split the skin of the face of the animal, shall cut off the ears from such animal, and the head of a bird presented and shall burn same.

We presume these several provisions were carefully considered by those preparing this bill before it was introduced in the Legislature, and that they were intended to safeguard the fund that might be set apart for this purpose.

Under the provisions of this bill, claims for bounties were to be paid by County Commissioners from county funds, said counties later on being reimbursed by the State from a fund collected from sportsmen of the State through what is known as the Resident Hunters' License Act.

While no specific appropriation was made for this purpose until May 3rd, 1915, the courts had ruled prior to that time that counties must pay this bounty, and afterward make claim upon the State for the amounts paid out.

About the beginning of 1915 claims for reimbursement to counties began to be presented to the Auditor General, and in the auditing of these claims it develops that untold and unbelievable frauds have been perpetrated upon counties, made possible and continued in many counties solely because of the, to say the least, careless and negligent manner in which these claims were examined by said officials from the tak-

ing of the affidavits clear through to the payment of the claims. We are now assisting in the examination of these claims and know whereof we speak.

Many of the officials taking the affidavits, judging from the face of the papers and evidence coming to us from investigation, appear to have felt that no responsibility in any manner rested upon them in seeing that these claims were legitimate and honestly made, but instead that they were simply agents through which moneys in the State Treasury were to be transferred to the pockets of individuals in their community, and that the intent of the act in requiring the affidavit was to give them a chance to make a fee. The necessity for identifying the bird, or animal, named in the affidavit was not considered, that part of the law requiring the presentation of the body, or entire pelt, so that the creature might be identified meant nothing, and thousands of affidavits now being examined show that nothing but parts of the skin, such as the scalp, or top of the head, in many instances nothing but parts of the ears of the animal, was displayed.

I doubt very much whether there is one justice of the peace in a hundred in this State who can to a certainty tell, when it is dried, or any other time, the scalp of a weasel from the scalp of a ferret, or a rat, or a red squirrel, and I know it will require an expert of experts to tell the tips of a weasel's ears from the tips of the ears of a ferret, or a rat, or a red squirrel, yet claims of this kind were passed by the thousands. In some cases nothing but a small piece of skin was presented that might easily have been taken from the flank of the animal and put in shape through the use of shears. The act required the justice to mutilate the skin of the animal presented by cutting off the ears and splitting the face from between the eyes to the end of the nose, intending thereby to prevent the collection of a second claim for the killing of the same animal. How the justice could split the skin when only a part of the ears were presented, or how the burning of that part of the ears presented, would prevent of number of clippings from the same animal we cannot understand, from the fact that even today under the new system of paying bounties, when every skin of an animal for the killing of which a bounty is claimed, must be passed upon by this office, we frequently have presented the skins of animals for the killing of which no reward is offered, and feel satisfied that under the old system, when the skin was passed upon by one not an expert, frequently by men who did not care what was exhibited, many claims, to say the least, not legitimate were paid. We have had as many as three skins of domestic cats killed in various parts of the State presented to us in one day.

In the matter of bounty on birds, one owl and two hawks, the law required that the entire body of the bird should be presented. This, as we understand it, was because of the great similarity of hawks and the fact that it is almost impossible for even experts to distinguish between the species of certain birds except, by an examination of the entire bird and a comparison with other birds.

We have in this State twelve (12) kinds of hawks, seven (7) of which are considered as beneficial and are protected by our laws, and five as injurious that are not protected, but a reward or bounty was offered for the killing of but two of these hawks, the Goshawk and the Sharp-shinned hawk. The Coopers hawk and the Sharp-shinned hawk are almost exactly alike, except, that the Sharp-shinned hawk is smaller than the Coopers hawk and has a tail square at the end, while the tail of the Coopers hawk is rounded at the end. Both these birds migrate in the Fall, and but few remain during the winter. The Goshawk is a bird of the north; it comes into Pennsylvania only during the winter months, when the Northland is covered by ice and snow. This bird comes about the first of November and leaves as soon as the snows begin to disappear in the springtime. The claims presented by counties for bounties on these birds show that thousands of Sharp-shinned hawks, supposedly were killed in the winter time and presented and paid by counties. Hundreds of claims for the killing of Goshawks in July and August were made and honored, when in fact there was not a living Goshawk in a wild state to be found in this entire State at that time, and strangest of all the evidence of the killing as presented to the justice as fixed by the affidavit, is the statement, that the head of the bird only, was presented; in many instances, as we have demonstrated in court, nothing but the bill of the bird was exhibited. In some instances nothing at all was presented; the bounty fund, as testified to in court, was looked upon as "easy money," a something for anyone to prey upon, both justice and outsider in many instances getting what they could. In one county a young man was asked if he would like to make some easy money. When he said he would, he was directed to go to a certain man. He went, found the man to be a justice. The two went into a room where claims for \$74.00 were made out. The young man presented the affidavits to the County Commissioners, got the money, and gave one-half of it to the justice. The young man is now in Penitentiary, and the justice a fugitive. Skins of animals, especially those of weasels, were purchased from fur dealers in Canada, New York, Indiana, Ohio and elsewhere, at a limited price, say eight cents (8c.) each, and turned over as animals killed in this Commonwealth for \$2.00. In one county claims were presented by a man living in another county, this man swearing that he had killed one hundred

and two (102) Goshawks in four days during the summertime in that county, when at that time there was not one live Goshawk in a wild state in this Commonwealth. He presented claims for the killing of three hundred and forty-seven (347) weasels. These animals were caught in two months, both the birds and animals being taken, as he stated to me, within two and one-half miles of a city containing twenty thousand (20,000) people and located in a highly cultivated section of this State. The evidence he presented to substantiate his claim was a collection of heads, of animals and birds, so decomposed as to have been without hair or feathers, a putrid mass, in many instances the bones were separated through decay. Later on we found in the cellar of the house of this man a tub containing at least a bushel of putrid heads that proved to be the heads of rabbits, and squirrels, and turkeys, and chickens. Both the alderman before whom the affidavits were made and the witness to the claim testified at the trial that the heads were so offensive that they did not care to touch them, that they turned them over with a stick and destroyed them as quickly as possible. One witness testified that he noticed some of the bills of the birds presented by this man as Goshawks were straight, and not curved as he thought any kind of a hawk's bill should be, and when he asked the claimant why this was so, he said they were the bills of young hawks, the curve would come later on with age. He told the clerk of the County Commissioners that he had taken most of these birds from nests in tall trees, to which he had climbed, getting sometimes as many as eight or ten, and even eleven young birds from one nest, when the fact is that the Goshawk never since the days of the wild passenger pigeon and big timber has been known to nest in Pennsylvania, and never has more than five (5) eggs in its nest, generally two. This man told me he poisoned these hawks with "little grains." I said, "you are a wonder; you must have had a special poison." To this he replied: "Yes, my pap was a great trapper. I use the same kind of bait." I said, "Did you put this poisoned grain in the fields or in the woods?" to which he replied: "Oh! I put it in the woods, at night." Then I said, "And you killed all of these hawks through the use of poisoned grain," to which he replied: "Sure." I then said, "Don't you know a hawk does not eat grain, that because of the shape of its bill it could not pick up grain, not even a grain of corn if it wanted to?" He then, after a pause and the wiping of considerable sweat from his forehead, said: "Oh! I had some meat, too."

I then asked him if he poisoned the weasels that he claimed to have killed, and he said: "No, I caught them in traps." I asked him the kind of a trap used, and he said it was made of boards, the trap, according to his description being of the kind with a drop end used

for catching rabbits, about two feet long, by eight inches wide, and ten inches high. I asked him where he built his traps, and he said in the woods, where he used them. I asked with whom he stopped in the county where he was trapping. To this he replied he did not stop with anyone, he just slept in barns. I then said, "Where did you get the boards used in making the traps?" He replied: "I brought them from home." And then I said, "Also the saw and hatchet and the nails?" and he said: "Yes." I then asked: "Where did you eat?" to which he replied, "Oh! I carried that with me." "Well," I said, "you had quite a load. How many boxes did you build?" and he said, "Four." I then said, "Do you mean to tell me that as set forth in your claim you caught twenty-five (25) weasels in four (4) box traps in one night?" To this he replied: "Oh! Yes, I caught five or six in one trap." Then I said, "Tell me how the second, or third or other weasels got into the trap after it had been sprung by the first weasel," to which he replied through his sweat, "Oh! They all were in when it was sprung." Comment regarding this claim is not necessary; the jury convicted this man and he is now in jail. Investigation of claims for bounties made by counties upon the Auditor General shows this same man has for years been collecting bounties in at least three counties, for the killing of animals he never saw. Still, I want to say the person before whom this man appeared to make his affidavits in Lebanon County passed his claim and certified that one hundred and two (102) Goshawks and three hundred and forty-seven (347) weasels had been taken. When I asked this gentleman why he did this, if he knew a Goshawk from any other hawk, he said he did not, but the claimant had told him what they were. The county paid the claim.

Again, the law provides that an elector shall be the witness to the affidavit, and mutilation of the skin, because, we presume, it was thought an elector would probably be a sportsman, or a tax-payer, and would be interested in seeing that fraudulent claims were not presented. In hundreds of instances the names of women and children are attached as witnesses. In some cases the justice signed his own name and declared he was an elector. In many cases there was no witness at all.

In many cases immature creatures, the young of rats and mice and other similar creatures, apparently dug out of nests, were presented and passed and paid for. We had occasion to investigate a claim of this kind only a short time ago. The affidavit on its face showed plainly that it had been altered, the figure one (1) having been changed to a seven (7), and the letter "s" added after the word weasel. Upon inquiry by our officer the justice said, "Yes, sure, that man brought in a weasel and I made out the affidavit for

one weasel, and he signed it. Afterward he cut it open, right here in the office, and found inside six little ones. I added the six to the one, making it seven. Why not?"

A small box sent us contained an immature animal said to be a weasel. The creature was not longer than the first joint of my thumb; it might have been the young of a rat; it might have been a mouse, and could not have been born for more than a day or so, yet the justice had passed this animal as a weasel and had taken his fee for the affidavit. These things, together with happenings of like character, led to the issue of a circular letter by this office to the effect that no application for bounty would be considered unless the skin presented showed that it had been taken from an animal old enough to have its eyes open and to stand on its feet.

Many of the affidavits presented to the Auditor General fail to state either when, or where, the animal, or bird, in question was killed. If killed prior to the date upon which the bounty law of 1913 was signed by the Governor the claim could not be legally paid from the sportsmen's fund.

If killed in one county, the claim being presented in another county, the payment would not be justified. If killed outside of the State no legal claim could be made at all.

The law provides that "a bounty of two dollars (\$2.00) shall be paid for the killing of a gray fox." Many affidavits declare "a fox" was killed, without attempting to state what kind of a fox it was.

Numerous claims were presented and paid for the killing of mink and skunk, when there was no bounty offered for the killing of either of these animals by the 1913 act.

Affidavits were found stating that a hawk had been killed, bounty fifty cents (50c.). In the certificate to the Auditor General the hawk had turned to a weasel, on which the bounty was two dollars (\$2.00).

In many instances it appeared that every word in both the affidavit and the certificate, including the names of the affiant and the official taking the affidavit had been written by the same hand. Investigation of many of these claims demonstrated that the person supposed to have made the claim had in reality never heard of it. Certain justices seemed to think that their neighbors had killed certain animals for the killing of which a bounty was offered by the State. If they had not really killed such animals, they ought to have done so, and a bounty was due to someone, so they took it themselves. Several justices have already admitted to this.

In one case a justice of the peace saw two raccoon skins tacked to a barn door, and pointing to the skins, asked the owner of the barn why he had not probated the wild cat skins. The owner replied,

"those are not wild cat skins; they are coon skins." To this the justice said, "You bring them to me and see how soon I can make wild cats of them." This was done. The affidavits were made, the certificates were made out by the justice. The applicant got his money, \$8.00, and now the parties to this transaction, especially the justice, insist that they are honest men and should not be sent to jail for fraud.

We have evidence to show that certain justices instead of destroying the skins presented to them, as provided for by law, saved same and afterwards probated same before another justice.

In some cases the affidavit and certificate were honestly made by the justice; the claimant on the road to the office where he was to receive his money thought he was not getting enough for services, and so raised the figures. One boy raised his claim from two dollars (\$2.00) for the killing of one weasel to twenty-two dollars (\$22.00) for eleven weasels, 1 weasel \$ 2.00, 11 weasels \$22.00, "easy money," and bought a bicycle.

These are but illustrations of some of the numerous and various, to say the least, defective claims, that have been presented and passed by county officials, that are now being presented to the Auditor General for a return of moneys expended.

Thousands of claims are not in accord with the law in matters of vital importance to the issue. These defects are not simply technical points or defects, and the claims should not be paid. They should not have been paid in the first place, and would not have been paid had the county officials given the least heed to the requirements of the law or to the three letters issued at various times during the past two years from this office, calling attention to possible frauds and warning them to be on guard. The fact that counties have been defrauded is no reason why the sportsmen's fund be treated in the same way. Many of these claims are so irregular upon their face and out of accord with the law, that the least display of business ability would have demonstrated that fact and prevented their payment. The fact that they were paid satisfies me that from the most lenient point of view possible, they were not examined as carefully as they might have been.

I am satisfied that in many cases the County officials thought but little over this matter, and if they did think, considered that "the State is responsible, what do we care." This has been demonstrated in more than one instance.

In one case a prosecution had been brought by our office. On the day of the trial the attorney for the defendants asked for a conference, and expressed a willingness to make restitution, to which we agreed. The judge before whom the case was being heard suggested that it might be well to see how the County Commissioners felt upon

the subject, and two of them finally made their appearance, and were asked by the judge how they felt regarding the offer. To this both replied: "Oh! We dont care what may be done. This is a State case. We have no interest in the matter in any way. We paid these claims in good faith and look to the State for a return of our money." "Oh!" said the judge, "Hold on. You are the people who are interested. You are the only ones interested. That is why I called you here. It seems to me that no matter how honestly you believed these claims to be fair and just, when you paid them. It now appears they are fraudulent and your county will be the loser. It would hardly be fair for you to ask State officials to reimburse you from a fund under their control because it appears you have been defrauded. The moneys in their hands is not for that purpose, but are to be used to make return for honest claims, made and paid, according to law. I hardly believe the State officials will make a return of this money if you do ask it. It seems to me it would be well for you to think twice before you decide. The State expressed a willingness to be satisfied if these defendants make a return to the county of the moneys fraudulently taken and pay the costs. If this proposition is rejected and it appears that these claims were negligently or carelessly passed, you as individuals might be surcharged." Nothing more was necessary; both men at once said, "Yes, Oh yes! Certainly we are perfectly satisfied with this arrangement," and the case was so settled.

Several individuals charged with fraud in this regard are in prison; some have absconded; one committed suicide; several have plead guilty and made restitution to the county; and more are yet to hear from.

Under the present law, as signed by the Governor April 15th, 1915, every skin upon which a bounty is claimed must be examined and passed upon by a paid Game Protector either in the field or in the office at Harrisburg. Each claimant will be paid every cent he is entitled to, in due time.

Where the claim is presented to a Game Protector in the field, the affidavit is taken without charge, the skin is split from between the eyes to the end of the nose, and handed back to the applicant. The affidavit and certificate is forwarded by the Protector to this office. Where the affidavit is made before a justice of the peace, or alderman, or magistrate, as permitted by law, a fee prescribed by the act is paid to the official by the person making the affidavit; said affidavit and the skin are forwarded to the office of the Game Commission, at Harrisburg, where the skin is mutilated as above described and returned to the owner, if he so desires. At least once each month the claims presented to this office are certified to the Auditor

General, who, as soon as may be, draws his warrant on the State Treasurer for the amounts due each individual certified to him. The State Treasurer in turn, as quickly as possible, forwards his check to the party making the affidavit. It seems to me it will be quite difficult to secure the payment of a fraudulent claim under this system, and if permitted to any extent, will be directly chargeable to this office.

Under the present system the claims presented for bounties during the months of July, August and September, 1915, amount to \$4,054.00, which amount I feel perfectly safe in asserting is not equal to one-fifth of the amount for which claims were made during the same months of the previous year.

STATE POLICE.

This splendid body of men has been in the past not only rendering very great aid to our Protectors when called upon, but have also, all over the State, of their own initiative, been doing everything in their power to protect our wild birds and our game, rendering us help in our work, the value of which cannot be estimated. I certainly appreciate the help given to this office through the efforts of these men, and would be glad to see this force increased to three or more times its present strength; it seems to me it is to the interest of every true sportsman in this State to have this done.

DOG LAW.

Under the provisions of an act of the Legislature of 1915, it is unlawful for an alien residing in this Commonwealth to either own a dog or to be possessed of a dog, no difference who may own said dog. The penalty for violating this provision is \$25.00, and it is made the duty of the Game Commission to aid and assist in the enforcement of this act. For your information, I desire to say that in so far as I am aware, neither the Game Commission nor any of its representatives in any way had to do with either the drafting or the passage of this measure; still, as the act imposed upon our office certain duties, I decided to perform those duties as in other cases in as fair and reasonable manner as was consistent with the law, and that might be needed to secure the best results to the State, and impose the least hardship upon the alien who through ignorance failed to comply with this law, and to that end had twenty thousand (20,000) circulars printed on cloth, in English, Slavonic, and Italian, a summary of this act and advising aliens to dispose of their dogs. These circulars were distributed in various sections of the State, with the result that many dogs have disappeared without trouble to anyone. I took the position also that according to the title of this act, its purpose was to protect game and wild birds, and was not to

simply in an arbitrary manner deny to aliens the right to own or be possessed of a dog. Section one of the Act of May 1st, 1909, declares it unlawful to hunt or shoot upon the first day of the week, commonly called Sunday. The courts ruled that as declared by its title, this provision was a part of an act giving protection to game, and was not intended to preserve the sanctity of the Sabbath, and that, therefore, before a conviction could be secured for violating the provisions of said Section, it must be established that some bird or animal protected by said act was hunted for or shot at upon Sunday. Applying this ruling to the act denying to aliens the right to own or to be possessed of a dog, this act also according to its title being passed for the protection of game and wild birds, I directed that our officers in all cases should consider the kind of a dog possessed by the alien, as well as the place where the dog might be found. We held that neither the possession of a poodle dog, even in the woods, or the keeping of a mastiff in the heart of a city, would be a menace to game and that good judgment should be used in the enforcement of this law. We directed that penalties should not be imposed except in cases where the alien refused after personal notice to part with his dog, or in cases where it was proven the dog was destroying game. Our persuasive efforts appear to have secured splendid results in various sections of the State, and many hundreds, I might say thousands, of dogs have disappeared from various communities. The question of the Constitutionality of this act has been raised and several cases arising because of this act have been appealed to the higher courts.

DAMAGE DONE BY GAME.

Game of various kinds, especially deer and wild turkeys, have undoubtedly increased considerably during the past two years in various sections of this Commonwealth, and we are frequently in receipt of complaints regarding the damage done to growing crops and to trees by these animals and birds. I have personally visited some of the sections, and viewed the harm done. I have also in other cases directed a view by certain of our Protectors, and am satisfied, from what I have seen and have had reported to me, that many of the complaints made are well founded, and that some positive action should be taken by the Game Commission to, as quickly as possible, correct these conditions. Orchards, together with fields of growing oats, and buckwheat, have undoubtedly been seriously injured by deer in this State during the past year, while growing oats and buckwheat have also suffered through the presence of turkeys, and it is not fair or just that the owners of these growing crops should be compelled to have their crops destroyed without the hope of a

return. The many investigations made because of reported losses as before stated have satisfied me that all such complaints are not founded in exact truth or justice. Claims have been made for damages done by deer that a view and careful consideration of conditions prove beyond question should not be charged to that account. Trees are planted in ground or in places not suited to trees of that character; trees and grain are frequently water-killed and winter-killed; many die for various other causes; examination shows the tracks of cattle and other domestic stock in the fields where the trees or the grain or vegetables were placed, but because a deer is seen in that field or a deer track is found in the same field, the blame is placed on the deer and the State is asked to pay a bill for damage done, at most exorbitant rates.

We have had various claims presented for damage done by deer to growing corn. I have personally visited, during the past twenty years, many fields of growing corn, in which the tracks of deer were sometimes plentiful and fresh, but have never seen where a deer had eaten a blade of corn or tramped on a hill. I have talked with numbers of men of experience in the deer country regarding this condition, and have yet to find one man who will swear he has known of where a deer had eaten growing corn. Recently a bill was presented for damage done to a field said to contain nine hundred (900) cabbage plants. The report of the officers sent to investigate shows that if the plants had been set two feet apart, each way, the field might have contained that number of plants; if set three apart, as winter cabbages are usually set, the field would not hold nine hundred plants. The officers found the field so overgrown with weeds that cabbage still found in the field could not grow; weeds stood as high as their shoulders, showing that the land had not been cultivated for some considerable time. Experience in gardening teaches me that cabbages to make any growth must be cultivated, and that usually not more than one-half of the cabbages planted and cultivated grow into marketable heads. A visit to the markets also demonstrates that a fairly good head of cabbage can be purchased for five cents (5c.), and in numbers can be secured for less, yet the claim of fifty dollars from the State is made, these things altogether satisfying me that all farming in the State is not limited to a cultivation of the soil. I call this serious matter to your attention.

SHIPMENT OF GAME.

Regarding that feature of the Act of April 21st, 1915, regulating the shipment of game, I desire to say that while this provision has, and will continue to impose more or less hardship, upon legitimate

hunters who desire to send a part of their game home or to a friend while they continue in the woods, or to travel in an opposite direction, the good done through this measure far exceeds the harm done in any way. Heretofore it has been the custom of market hunters from various sections of the State, and of some who call themselves sportsmen, to go into a certain section of the State and kill all the game they could find, the limit as fixed by law meaning nothing to them; this game they shipped by parcels post or by express in covered packages, these packages in many cases bearing fictitious markings and directions; they then went into another section of the State, sometimes into another part of the same county, and repeated their performance, and so on from place to place during the entire season, sometimes killing in one week more than the limit permitted for the year, but through their methods of shipment covering their tracks in a manner that made detection almost impossible. We have in years past spent considerable effort in an attempt to punish some of these men, but usually while we were morally sure of existing conditions, we found ourselves short in the matter of *legal evidence* necessary to secure a conviction. Many sportsmen throughout the State were helping us in this matter and clearly understood the conditions against which we were compelled to contend. One gentleman told me he knew there were more than twenty packages of game sent from his home town to dealers of game in various parts of the State, and even out of the State, some of these packages being prepared and forwarded so far out of season for the game enclosed as to necessitate the killing of such game out of season, and this gentleman, with other sportsmen acquainted with conditions and the great wrong done through such procedure, not only suggested this provision, but worked for its passage in the Legislature. The arrests we have made this Fall for violation of the provisions of this section, and the fact that certain heretofore known market hunters whom we have been watching for years have this year been able to spend a day or so now and then attending to necessary work around their homes or loafing in the store, or at least out of the woods, satisfies me that this provision has resulted in much good to the cause of game protection in this State.

EQUIPMENT OF PROTECTORS IN CHARGE OF GAME PRESERVES.

Our officers are expected to make efficient return for every dollar paid to them, and to enable them to do this, I feel that it is the duty of the State to provide as far as possible the machinery through which the most effective service can be secured.

Our Field Protectors are expected to cover efficiently not only the territory within their district, but also to assist their fellow-officers in every way possible, and to do this are allowed expenses when actually incurred in the performance of their duty, not to exceed \$900.00 annually. A very considerable item in this account is for travel, either by railroad or otherwise, that when paid is gone for all time. No one at all experienced in this line of work will dispute the assertion that through being limited to travel by rail or by livery rig, our officers are greatly handicapped and are not able to cover the territory under their charge as quickly as necessity demands, or as frequently as they would like to do, and I suggest that as soon as may be each of our officers be supplied with an automobile of such construction as may be best suited to their needs, considering the expense of operation in its various phases. It is perhaps not possible because of lack of funds to supply these machines before the next meeting of the Legislature, when an appropriation can be made for this purpose, and I call the matter to your attention at this time only for consideration.

Our Protectors in charge of preserves are required to patrol the lines of the preserve under their care. These lines around each preserve are about nine miles in length. The Preserve Keeper is expected to investigate violations of the Game Law, sometimes many miles from his home, and is expected to go quickly; he is also expected to feed game, not only inside the preserve, but also in that neighborhood during severe winter weather. To do either of these things in anything like a satisfactory manner, I feel that each Preserve Protector should be supplied with a horse and with maintenance for that horse. These men are expected to meet and extinguish forest fires that may appear, not only within the lines of the lands under their control, but also on any lands in their neighborhood, and to do this efficiently, I feel that each one should be supplied with one or more fire extinguishers and material for charging same, that carried on the back of their horse would enable the operator to do many times, in extinguishing forest fires, the work he could possibly do without such apparatus. I also recommend that each home of our Protectors, whether on or off preserves, should be brought in touch with the public through the installation of telephones, and especially should this be done on the preserves. One forest fire will undoubtedly do more harm in a few hours than can be remedied in years. The horse, the maintenance for that horse, the telephone and the fire apparatus can be secured from our present appropriation, and should be provided as quickly as possible.

OFFICERS ASSAULTED.

We have had a number of officers assaulted during the past year, and one killed, Joseph J. McHugh, our Game Protector from Carbon County, as it appears from the evidence at our command, being deliberately and wilfully shot to death. The officer in the line of his duty, traveling through the woods on a Sunday, met a friend; the two walking along a railroad track, heard gunshots, and moving in the direction from whence the shots appeared to come, met a man with a gun and several dogs. The officer asked the man what he had killed, to which the hunter replied, "I got one." McHugh then said, "Are all these dogs yours?" to which the hunter replied, "No there is a bunch of us." By this time the officer and his companion were within five or six feet of the hunter, and McHugh said, "Unload your gun." Without another word, the hunter sprang back and fired at McHugh, the load striking him slightly above the right nipple, tearing the top of the lungs to pieces and lodging in the spinal column. The companion of McHugh sprang back a step or so with hands expanded in horror, the hunter threw his gun to his shoulder and snapped the hammer on the empty shell, the load from which had just killed McHugh; he then threw a loaded shell into the barrel and pointing his gun at McHugh's companion, said, "Throw your hands up." When this was done, he said, "Turn around and beat it." The young man obeyed this order, but when he had taken a few steps looked back over his shoulder; the hunter with the gun still pointing at him, said, "Turn your head the other way." This the young man did, and walked to a point where he thought the shot would not kill even if fired, and again looked back, finding the assailant gone. He then ran for help and to spread the alarm. The young man who did this shooting was arrested at his home in Drifton, Luzerne County, late that evening and admitted all our witness says, but claims the shooting was accidental. If you or I were to accidentally shoot a man, we would hardly attempt to kill the companion of the man killed, or drive away at the point of a gun the only help that appeared on the scene. This young man, Francis Thomas, of Drifton, Luzerne County, will be tried in the courts of Carbon County in January.

Two of the assaults before referred to were made with guns; in one of these cases occurring near Harrisburg, nothing but the presence of two armed officers and the lack of courage upon the part of the hunter, prevented a tragedy. Nothing but the pressing of a finger stood between at least one of our officers and death. After the arrest, the officers reported the case to the office, and were directed to say to the prisoner and the justice before whom he had been taken that this man had committed two offences, one resisting arrest, and the other pointing a loaded gun at the officers, that the penalty for re-

sisting arrest was fixed by the statute at one hundred dollars (\$100), the pointing of a gun was imprisonment, but that the office would not press for a conviction upon the latter charge, if the penalty as fixed by Section 4 of the Act of May 21st, 1901, P. L. 266, was paid. The justice heard the testimony of the only three present at the time of the arrest, the two officers swearing that the gun was pointed at them, that the prisoner said, "This gun is loaded; you can't touch me;" that after they told him they were officers and showed their badges, he said the same thing and kept the gun pointed at the breast of one of the officers, surrendering only after the officers drew their revolvers and said this man must submit to arrest. The defendant did not attempt to deny this, still the justice discharged the prisoner, not upon the ground that our officers had failed to prove their charge, but upon the ground that said officers were drunk. The justice then issued a warrant for our officers, charging extortion; the grand jury at Carlisle promptly ignored the bill. In the meantime, friends of the defendant came before me and made the charge that the officers were drunk at the time this arrest was made. To this I replied that I would investigate and discharge these men at once, if the charge was sustained; that the Game Commission would not under any condition of circumstances permit drunkenness. I have carefully investigated this charge; I called the two Protectors before me separately and questioned each closely, find their statements to agree that they left Harrisburg before daylight of the day upon which his arrest was made, that neither of them had a drink of either spirituous or malt liquor or wine before they started, and that neither had a bottle of liquor of any kind with them; that because it was raining hard they stopped at a house, from which they could see persons going or coming from the woods, where violations of the Game Laws were supposed to be enacted; that sometime during the morning the owner of the house gave each officer a tin of sweet cider, and that they had no other drink of anything that day. The arrest occurred late in the afternoon, perhaps five or more hours after the cider had been given them.

The man who gave them the cider told our representative sent to interview him that these men had come to his house early in the morning; that he was close to them; that they were not drunk and showed no evidence of having had a drink; that they did not even smell of liquor. He said, "I have a good nose for liquor and if they had been drinking, I would have known it. I gave them each a tin of sweet cider sometime in the morning; the cider had been made about five days." Mr. Wood of the office says that when these two officers reported the case and asked for instructions, about five or half past five in the afternoon, and perhaps half an hour after the

arrest was made, that they were both close to him, and that he talked with both for several minutes and knows neither was drunk. He asserts they did not have even the smell of liquor about them. He, Mr. Wood, heard what they had to say, looked up the law and said, "If this man is willing to pay the penalty fixed by law for resisting arrest, I think it will be all right to let it go at that. The office is disposed to temper justice with mercy as far as is possible. You are directed to do this and to show to the justice the law regarding this matter."

This investigation satisfies me that the charge against our Protectors has not been sustained and that the whole effort in this direction was resorted to in the hope that our office might be bluffed into the abandonment of this case. I, therefore, under the belief that if efficient and energetic service was to be expected at the hands of our officers, we in turn must defend those officers in the discharge of their duties to the limit, in so long as they were right, called upon the office of the Attorney General, and was instructed to proceed against this defendant under the double charge of resisting arrest and pointing a loaded gun at the officer, and to have the matter pressed to a conclusion where both sides might be heard.

One of these protectors in the before stated case, Albert Baum, and his brother, Charles Baum, one of our paid officers, in the line of their work seized the skin of an eagle last fall in Mifflin County, the eagle being protected in this State, the law imposing a penalty upon the one who might kill one of these birds or be possessed of any part of such bird, the Supreme Court of our State and of the Nation holding that wild creatures, game or otherwise, belonged to the State in which they might be found, and that the capture or killing of such wild creatures contrary to law in no way conveyed a property right to the one who might illegally possess himself of such creature, but that instead the title to such creature still remained in the State. We in turn, when the eagle in question was delivered to us by our officers, immediately surrendered same to the State Museum where it has since remained. Under the direction of the District Attorney of Mifflin County and in face of instructions from the office of the Attorney General that the eagle was a protected bird in Pennsylvania, and as such belonged to the State and could not under the law become the property of the man who killed it contrary to law, and could not be the subject of larceny, as between the State or her legal representatives and the one who had illegally killed the bird, the gentleman who killed this eagle pressed the case to trial; and the jury in the face of the charge of the court to the effect that the eagle was protected in Pennsylvania, and if it was established that the men who had taken this bird were officers of

the State and had seized the eagle in the line of duty for the State, and not as individuals, there could be no conviction, the jury did convict, and our attorney immediately filed reasons for a new trial. The judge in a decision recently handed down declares that the eagle is a protected bird in Pennsylvania, fixes the ownership of such bird in the Commonwealth, and directs that a verdict of "Not Guilty" be entered.

I am citing this as an illustration of what we must contend against, and that we must defend our officers when they are right, otherwise they will be driven from the field.

VIOLETORS OF THE LAW.

Because of the increase of our force of game protectors from twenty to fifty, we have been able to render this year much more effective service than heretofore, and have succeeded in catching and punishing numbers of habitual violators of the Game Laws.

That feature of the new law forbidding the shipment of game through the Parcels Post, and requiring the owner to accompany all game transported by common carriers, while undoubtedly imposing some hardship upon a few sportsmen, to a great extent has prevented the shipment of game for the market, and in other ways done far more good than harm. We have caught and punished several men who were violating this provision.

We have this year found the first man attempting to violate the Game Preserve Law of this Commonwealth. The man arrested was caught in the act of killing a deer in the Centre County preserve, and gave his name as Harry Klickner, of Tamaqua. He was sentenced to pay a penalty of \$100.00, or to be imprisoned 100 days. He was sent to the Bellefonte jail.

Our officers have found venison in a number of camps, those in possession of same being unable to display the head bearing horns as is required by law in such cases, having been or will be arrested, and this matter pushed to a decision by the Supreme Court. We contend that as the law imposes a penalty upon each and every person who may either kill a deer illegally or who may be possessed of any part of a deer killed or taken illegally, that each and every man in a camp where the flesh of a deer was found, and especially every man in said camp who has been using such flesh for food, is liable to the full penalty imposed by law for such offense.

NEW BOUNTY LAW.

Under the provisions of the Act of April 15th, 1915, relating to bounties, it is made the duty of the Secretary of the Game Commission to certify to the Auditor General at least once a month such

claims for bounty as might be presented to this office. This we have done from month to month, the claims being forwarded to the office of the Auditor General within ten days after the end of each month, and in so far as this office is concerned the new provision is working well, but, we are almost daily in receipt of complaints from claimants for bounties to the effect that their claims presented to us as long ago as in July and August have not been paid. This condition reflects seriously upon the Game Commission, as we although absolutely blameless are charged with this delayed payment. Investigation demonstrates that the delay is caused by lack of clerical force in the State Treasury, and that that Department is issuing checks in payment of these claims when the routine of daily work has been finished. This, it seems to me, should not be, and I am citing the matter at this time for your information.

REDUCED NUMBER OF RESIDENT HUNTER'S LICENSES.

As the open season for game in this State closes for 1915, it appears that the number of Resident Hunter's Licenses issued in certain counties this year is considerably short of the number issued in the same counties last year, and especially is this the case in some of our western counties, notably Allegheny County, and the reason is three-fold.

First, because many of the men working in the iron and steel mills of that section have had steady employment and have chosen to remain at work rather than to go hunting.

Second, because of the reduced length of the season for rabbits as compared with last year, and the provision of law forbidding the sale of rabbits killed in this Commonwealth, numbers of men, who hunted rabbits for the market, have lost interest in hunting.

Third, because of the delay in the payment of bounties by the State Treasurer. Many men who last year took a license and killed a small quantity of game, while killing a larger quantity of vermin, for which they expected and deserve a bounty, have become discouraged and have not cared to go hunting at all. This, to my mind, is most unfortunate, as I believe the one who kills a weasel, or a wild cat, or a fox has done a work of special value to the State, and is as much entitled to a prompt payment of his claim as is any other creditor of the Commonwealth. The money wherewith to meet these claims is in the State Treasury, placed there by sportsmen for this special purpose and there should be some method conceived whereby a more prompt settlement of these demands could be made.

A PANTHER AND WOLVES IN PENNSYLVANIA.

In my boyhood I heard wolves howl among the mountains near Ralston, Lycoming County, and until recently believed these animals, with the panther, had long since been exterminated. A short time ago a hunter called at the office in Harrisburg and told of seeing a number of gray foxes in pursuit of deer in Clinton County; he said he and a Game Protector had heard the animals tonguing, and through their glasses had seen both the deer and the foxes in pursuit on a mountain opposite from where they, the hunters, were located. I thought I knew something about foxes; I had never known them to run in packs during daylight, or to give tongue in pursuit of game, so set the story down as a fabrication pure and simple, but a few days later we received a letter from our Game Protector said to have seen the chase, and the Protector told the same story, and a few days later received a letter from a man in Clinton County who claimed he had killed a wolf. This story we were also inclined to doubt and wrote asking that the skin of the animal be sent to this office and this was done. The skin was undoubtedly the skin of a wolf; the hair is wooly and somewhat softer than the hair of the timber wolf of the West, otherwise it greatly resembles the timber wolf. This animal was killed but a few miles from where the foxes were reported to be running deer, and I am disposed to believe that what were supposed to be foxes were in reality wolves. The skin of this wolf is now in the hands of the State Taxidermist to be mounted for the Public Museum at Harrisburg.

From Pike County comes the report of a panther, the animal having been plainly seen by several different people. One gentleman and his wife while trout fishing saw the animal crouched on a limb, as they said, "lashing its long tail"; another party saw this panther at night crossing the road ahead of their automobile; still a third party has reported the animal yellow and long with a tail almost as long as the body, so that there appears to be but little doubt about the presence of both panther and wolves in a wild state in Pennsylvania, and I have directed our officers in charge of the territory where these animals are presumed to be, to use their utmost endeavor when the snows come to locate and kill every one that can be found. The question in my mind is, where did these animals come from?

QUESTION OF GAME SHIPMENT.

I have already made mention of the new law forbidding the shipment of game unless accompanied by the owner of the game, and now call that matter again to your attention, because there appears to be a movement on foot in certain sections of the State,

that if successful, will to my mind, not only nullify the purpose of this provision, but will also place upon the State a bill for printing that will be far above the value of any benefit that may come through such action; it will more than double the work of County Treasurers who now issue the Resident Hunter's Licenses, and who are even at this time complaining of the labor they are compelled to perform for 10 cents, and it will more than double the work of the Game Commission in this branch of our work, and to no effect except to again open the doors to the market hunter. In one suggestive bill I have seen it is proposed to issue not less than twenty shipping tags with each license, to require this man and that man to sign same, to return same to the office of the Game Commission at Harrisburg and to make it the duty of the Game Commission to see that this is done. To attend to this branch of the work would require the services of at least ten additional clerks in the office, and more than double the work of the field force. The bill provides that the Game Commission shall keep these shipping tags for reference for a period of two years. We have 400,000 hunters, 20 shipping tags to each one means 8,000,000 tags to be handled by the State Printer, by the several County Treasurers of the State, and 16,000,000 by this office, to be listed and stored for reference; ten additional rooms such as we now occupy would not hold the part of these permits that might be returned to us, and if they were to be kept in files so that they could be reached for reference, think of the expense of files and labor necessary to do this thing; the work imposed upon this office by the new bounty provisions is nothing as compared with this.

In another part of this Report I state that in my opinion game has reached that condition in this State where its use for a food supply, either by the man who kills it or by the man who heretofore has secured his supply of game through the markets, means the extermination of game. Just as surely as have the buffalo and the wild pigeon gone, so will all other game disappear if the sale of game is continued, and while this proposed bill may mean some slight benefit to a few, it means the sale of game in great big letters and nothing else. Twenty permits or more to the market hunter to ship to his friends or to his home; how will the Game Commission follow this game after it is delivered, to see that it does not reach the open market, or the club, or the gentleman who gives a gun, or a suit of hunting clothes, or a few hundred shells to his friend in the country? He, of course, expects nothing, but after a while a box of quail, or of grouse, or a wild turkey, comes from that friend. Why not, and how is anyone to tell what course this game takes later on? This provision relating to the shipment of game has done more to prevent the sale of game than all the other provisions on our books combined.

This bill as now proposed means pleasure to a few for a while, and then the end, because there will be no game to ship, and why should a sportsman send his game home before he goes. His family have waited at least eleven months without game; is it a matter of life or death that they should add another thirty days to that time? They wish to send a present to some one, a dear friend, seldom a poor man, usually a man in some influential position, that the giver hopes to use later on or has already used. What is the difference in this matter in so far as game increase is concerned, whether game is sold for influence or for a dollar in cash? In my opinion our game has reached a stage in this State where its distribution through gifts frequently means as much as it means through sale. If it is desired to sell our game, it would be better to repeal that part of the Act of April 21st, 1915, forbidding the shipment of game except when accompanied by the owner.

QUAIL DISEASE.

I have already mentioned in this Report the effort we were making to procure certain game, especially quail, for propagating purposes in this State, and thought we would surely be able to release ten or more thousand of these birds next Spring in this Commonwealth. Our first shipment, in the neighborhood of 175 birds, were landed at the port of New York direct from Mexico; some few of our birds had died enroute, and we were about to congratulate ourselves on the result of our effort, when the birds in our hands began to die rapidly from some, to us, unknown cause. Some of the dead birds were at once forwarded to the Veterinarian Department of the University of Pennsylvania, and some to the Department of Animal Industry, Washington, D. C., and from both places came the report that lesions in the intestines and liver strongly indicate the dread quail disease, known as "Coccidiosis", and I am extremely fearful that further importation of quail from Mexico will be stopped. I have arranged with the Veterinarian Bureau of the Department of Agriculture of Pennsylvania to receive and hold in quarantine at their State Farm near Clifton, Delaware County, Pa., such birds as we may receive in the near future from Mexico. If the birds develop disease our shipments will at once be stopped, as we cannot afford to scatter disease among the wild birds in this State. As I understand it, this disease runs its course in about two weeks. If, therefore, we can save a reasonable number of the birds secured, it appears to me our importations should be continued; if we lose beyond a reasonable number, say fifty per cent. of the birds, I think our representative in Mexico should be recalled at once. If we find it impossible to secure quail for propagating purposes, then it seems

to me to be imperative, if our quail are to be perpetuated, to declare a close season for quail in this State for a term of years, and to so arrange that when the quail season is again opened in this State, that both the bag-limit and the length of the open season shall be reduced. I am satisfied that our game birds, neither quail, nor grouse, nor turkeys, can stand a longer annual season than four weeks.

PUBLIC ADDRESSES.

During the past year I have delivered numerous public addresses regarding the value of hunting, to men who may select to engage in that pasttime, and the value of the life-work of birds to all the people, and I am pleased to say that in my opinion both these subjects are far better understood today than they have ever been, and because of that knowledge are receiving far better support from the people than ever before in the history of this Commonwealth. I have been addressing organized sportsmen, teachers' institutes, school children, and others, in every place where opportunity offered; during the latter part of October I addressed at Wilkes-Barre those ladies attending the conference of the Confederated Women's Clubs of this State, with the result that I am already in receipt of invitations to speak during the coming winter before nineteen of the local clubs belonging to that organization, and to many schools.

MEN KILLED AND WOUNDED.

Reports received to date show that twenty-nine (29) men were killed and one hundred and ten (110) wounded during the hunting season just closed in this State; thirty-one (31) were killed and ninety-nine (99) wounded in the State during the open season of 1914.

GAME KILLED.

We are not in position to give exact figures at this time regarding the number of game animals or birds killed during the season just closed, but from reports received up to this date we believe that from 1,800 to 2,000 male deer, with antlers extending at least two inches above the hair, have been killed this season; about 800 heads of sufficient size to be looked upon as trophies have been reported as received by taxidermists in the State. We believe that from 60 to 100 female deer were killed illegally; quite a number of those killing does contrary to law have paid penalties. Two elk were reported as killed; one man has already paid the penalty, \$200.00, for this offense.

We believe that about 250 bear were killed in this State during the season just passed; this is about 200 less than were killed last year.

Fully 1,500,000 rabbits were killed, this number being 500,000 less than were killed in 1914. This I believe was because of the shorter season, one month instead of two, and also because rabbits could not be sold.

Squirrels were quite abundant last fall and fully 600,000 or more of these animals were killed.

About 400,000 ruffed grouse were shot, this being about the number killed in 1914, and between 3,500 and 4,000 wild turkeys were killed in this State, this number being two or more times the number killed in any two years in this State for many years. This increase in turkeys is directly attributable to the close season of two years just passed. Our hunters secured about 30,000 quail. Many sportsmen refused to shoot quail during the past two seasons. Fully 25,000 woodcock were killed, more than 15,000 raccoons and about 3,000 wild waterfowl were secured, altogether making quite a creditable showing, not only as a source of food supply, but also as an incentive to outdoor exercise and training in the use of guns, especially accuracy in shooting.

FINANCIAL STATEMENT.

You will note that quite a sum in dollars and cents has been collected during the past year from violators of the game laws, and has been placed in the State Treasury.

GENERAL FUND.

Quarter from December 1st, 1914 to February 28th, 1915.

DR.

To balance from last quarter,	\$1,612 10	
To warrant on appropriation,	4,375 00	
To expense returned,	5 07	
To penalties and costs collected,	2,867 55	
To proceeds of guns sold,	15 00	
To proceeds of taxidermists licenses,	40 00	
To proceeds of propagating licenses,	7 00	
To proceeds of special license,	1 00	
		<hr/>
		\$8,922 72

CR.

By deposits in State Treasury,	\$2,930 55	
By expenses for quarter,	6,426 37	
		<hr/>
		\$9,356 92
		<hr/>
Balance, (Overdrawn, checks held),		\$434 20

Quarter from March 1st to May 31st, 1915.

DR.

To warrant on appropriation,	\$4,375 00	
To expenses advanced and returned,	25 00	
To penalties and costs collected,	1,257 89	
To proceeds of guns sold,	25 75	
To proceeds of ferret dealers' licenses,	75 00	
To proceeds of taxidermists licenses,	7 00	
To proceeds of propagating licenses,	4 00	
To proceeds of ordinary licenses,	2 00	
To proceeds of special licenses,	2 00	
		<hr/>
		\$5,773 64

CR.

By balance, overdrawn, checks held,	\$434 20	
By deposits in State Treasury,	1,373 64	
By expenses for quarter,	2,517 80	
		<hr/>
		\$4,325 64
		<hr/>
Balance,		\$1,448 00

Quarter from June 1st to August 31st, 1915.

DR.

To balance from last quarter,	\$1,448 00	
To warrants on appropriation,	8,333 32	
To penalties and costs collected,	1,174 49	
To proceeds of guns sold,	29 80	
To proceeds of taxidermists licenses,	10 00	
To proceeds of propagating licenses,	2 00	
To proceeds of ordinary licenses,	4 00	
To proceeds of special license,	1 00	
To proceeds of ferret dealers license,	25 00	
To proceeds of ferret owners licenses,	8 00	
		<hr/> \$11,035 41

CR.

By deposits in State Treasury,	\$1,254 09	
By expenses for quarter,	8,075 66	
		<hr/> \$9,329 75
Balance,		<hr/> \$1,705 66

Quarter from September 1st to November 30th, 1915.

DR.

To balance from last quarter,	\$1,705 66	
To warrants on appropriation,	12,500 00	
To expenses advanced and returned,	264 09	
To penalties and costs collected,	5,603 16	
To proceeds of guns sold,	126 95	
To proceeds of taxidermist licenses,	61 00	
To proceeds of ferret owners licenses,	14 00	
To proceeds of ferret dealers licenses,	50 00	
To proceeds of propagating licenses,	4 00	
To proceeds of non-resident licenses,	20 00	
To proceeds of ordinary license,	1 00	
To proceeds of special license,	1 00	
		<hr/> \$20,350 86

CR.

By deposits in State Treasury,	\$5,881 11	
By expenses for quarter,	11,250 61	
		<hr/> \$17,131 72
Balance, December 1st, 1915,		<hr/> \$3,219 14

PRESERVE FUND.

Quarter from December 1st, 1914 to February 28th, 1915.

DR.

To balance from last quarter,	\$845 61	
To warrants on appropriation,	3,759 00	
		<u>\$4,604 61</u>

CR.

By expenses for quarter,	\$4,918 37	
		<u>\$4,918 37</u>
Balance, overdrawn, checks held,		\$313 76

Quarter from March 1st to May 31st, 1915.

DR.

To warrants on appropriation,	\$16,875 00	
To refunds on grain fed game,	151 77	
		<u>\$17,026 77</u>

CR.

By balance from last quarter, overdrawn,	\$313 76	
By expense for quarter,	12,843 86	
		<u>\$13,157 62</u>
Balance,		\$3,869 15

Quarter from June 1st to August 31st, 1915.

DR.

To balance from last quarter,	\$3,869 15	
To warrant on appropriation,	3,750 00	
		<u>\$7,619 15</u>

CR.

By expenses for quarter,	\$7,710 76	
		<u>\$7,710 76</u>
Balance, overdrawn, checks held,		\$91 61

Quarter from September 1st, to November 30th, 1915.

DR.

To warrants on appropriation,	\$8,124 79	
To refund on advertising account,	80	
	<hr/>	\$8,125 59

CR.

By balance from last quarter, overdrawn,	\$91 61	
By expense for quarter,	6,380 70	
	<hr/>	\$6,472 31
Balance, December 1st, 1915,		<hr/> \$1,653 28

Respectfully submitted,

JOSEPH KALBFUS,
Secretary.

**This book is under no circumstances to be
taken from the Building**

[illegible]

